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INTRODUCTION TO ENGLISH HISTORY

JOHN L. SANFORD

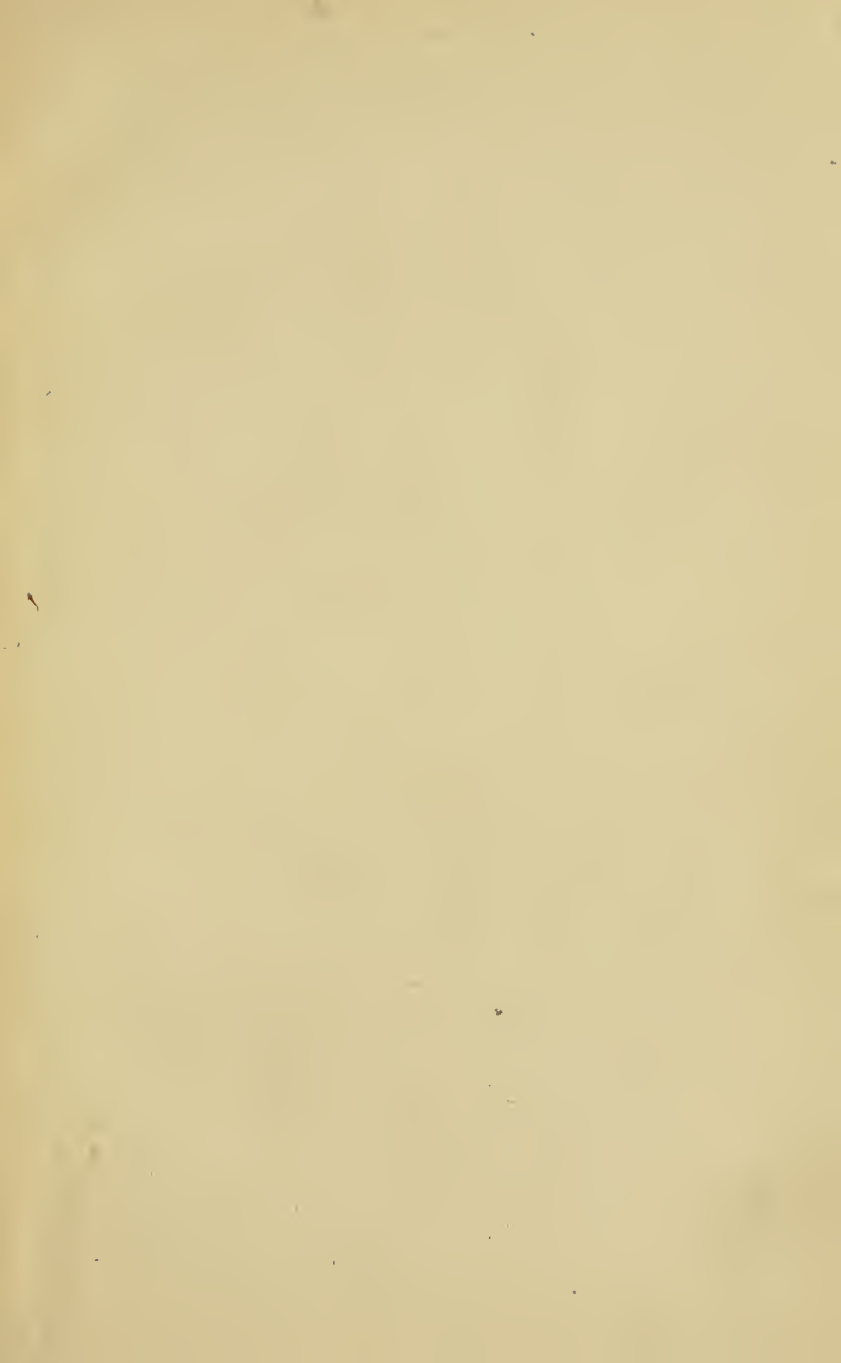


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INTRODUCTION TO ENGLISH HISTORY

By

JOHN L. SANFORD

(Second Edition)

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INTRODUCTION TO ENGLISH HISTORY

HISTORY is an authentic and systematic record of events in the career of a nation or community.

In its strict sense it contains the five elements of (1) authenticity; (2) a scheme, or philosophical system, of statement; (3) a narration of matters of public and general interest; (4) a narration of past events; (5) a recorded (written) statement.

The word is often used in a broader sense when one, or more, of the above elements may be lacking, or as synonymous with "narrative."

Protohistoric is a term sometimes used to denote those matters relating to the beginnings of historical records, that is, when such records have not put on an authentic shape or their meanings are clouded in the obscurity of the long distant past.

Prehistoric denotes those matters relating to a period antedating history and for an account of which we have no written records.

CHRONOLOGY is a system for the arrangement of events according to their relative happening, or sequence, as to time.

The chronological system we use is based upon the Birth of Christ. Time before that event is reckoned backward and is denoted by the abbreviation B. C. (Before Christ) and occasionally by A. C. (*Ante Christum*). Time subsequent is designated by the abbreviation A. D. (*Anno Domini*, in the Year of Our Lord). It was first introduced by a Roman monk, Dionysius Exiguus, about

the year 533 A. D. He fixed the Birth of Christ in the year 754 of the Roman Era, but began the year 1 with the Annunciation (March 25) of the preceding year. It is now believed that he made a mistake in calculating the year, so that the Birth of Christ took place four years earlier. There is a difference of opinion as to this and some claim that Jesus was born in the year 3 B. C., others, in 4 B. C., while still others assert that He was born in 5 B. C.

The time from the Birth of Christ is called the Christian Era.

The Gregorian Calendar came into use in England in 1752 A. D., and it is necessary to say something of this system of dividing time into years, months, days, etc., as well as of the time for beginning the year, since in historical reading it is well to understand that different methods existed just as there have been different chronological systems. Julius Caesar introduced (46 B. C.) that system of dividing time which is known as the Julian Calendar. This system continued in general use throughout Europe until it was found that the true time of the commencement of the equinoxes did not correspond with the calendar, so that the difference in the sixteenth century amounted to about ten days. To correct this error Pope Gregory XIII assembled certain learned men who formed a plan for the amendment of the existing system of computation, and in the year 1582 A. D. it was formally promulgated by the Pope. Dates under the Julian Calendar are sometimes designated as O. S., meaning old style, while those under the Gregorian Calendar are designated by the abbreviation N. S., or new style, to distinguish them from the former when occasion requires.

In England, the Gregorian Calendar was not adopted until the year 1751, when, by a statute of that year (Statute 24 George II. Chap. 23), it was provided that, in the year 1752, the day following the second day of September should be called the fourteenth day of September, in other words that eleven days should be dropped from the calendar of that year, since by that time the discrepancy of the Julian Calendar from true time amounted to this number of days.

This statute made another important change. In England, prior to 1752, the legal and ecclesiastical year commenced on the 25 March, although the popular reckoning was January 1. It was now enacted (by the above-mentioned statute) that the legal year should begin on January 1, and that this change should commence on the first day of January following the last day of December, 1751, that is January which would have been known as January, 1751, should be called January, 1752. For some time thereafter it was usual to give two dates for an occurrence between the first day of January and the twenty-fifth day of March, thus: March, 1752-53; February, 1753-54; January, 1758-59.

The system of dating a year by the sovereign's reign is still used in English statutes, as shown above, and, in this connection, it is well to remember that a statute may be of the one or the other of two calendar years in which the year of the reign may be unless the accession takes place on January 1. when, necessarily, the year of the reign synchronizes with the calendar year.

History is usually divided into the three great epochs—Ancient, Mediaeval and Modern.

Ancient History extends from the earliest times to the downfall of the Western Roman Empire (476 A. D.).

Mediaeval History (that is, History of the Middle Ages) extends from the downfall of the Western Roman Empire (476 A. D.) to modern times, which different historians fix at different dates as: at the fall of Constantinople and the Eastern Roman Empire (1453 A. D.); at the discovery of America (1492 A. D.); at the Reformation (1517-1520 A. D.). It covers a period of about a thousand years.

Modern History extends from the ending of the Middle Ages to the present times.

As these divisions are arbitrary as to the exact time and typify certain great changes in civilization the periods may be classified as follows:

Ancient History (from the earliest times of historical record to the year 500 A. D.)

Mediaeval History (from 500 A. D. to 1500 A. D.).

Modern History (from 1500 A. D. to and including the present times).

Some, however, divide history into two great divisions—Ancient and Modern—and treat Mediaeval History as belonging to the latter.

These define Ancient History to be the history of those times prior to the downfall of the Western Roman Empire and Modern History to extend from that date (476 A. D.) to the present.

The Dark Ages is a term applied to the eclipse of learning in Europe, or from the coming of the barbarian hordes against Rome to the Italian Renaissance, that is from about the beginning of the fifth century to the thirteenth century.

DERIVATION OF NAMES. It may be well to give at this point certain data regarding the names of the constituent parts of Great Britain.

Great Britain is a term used to denote England, Scotland and Wales and also, in a generic sense, the British Empire.

The etymology of the word is unknown. The old chroniclers give an account, considered to be purely mythical, of the conquest of Britain by Brutus, from whom the island took its name. This Brutus was the great grandson of Aeneas and, being driven from Italy, went to Troy, whence, with a band of followers there collected, he came to Britain and defeated a race of giants living in the land.

The Welsh Bards state that it was called the Island of Bryt, or Prydain, and it is from this last word that some think the name is derived. Others attribute the name to the Celtic word "brit," meaning painted, because the ancient Britons were in the habit of painting their bodies. Still others derive the name from the Punic "brt-ank," meaning "the land of tin," and some late scholars ascribe to it a Germanic origin. In the old writings it is called Breten, Breoten and names of a similar sound.

As the lower part of the island became united into a kingdom, known as England, under Egbert (827 A. D.), and the Piets and Scots of the north formed the kingdom of Scotland under Kenneth McAlpin (middle of the ninth century), the name of Britain was only used in a historical sense until the time of King James I, who, as King James VI of Scotland, united the crowns of the two kingdoms in himself. Although James wished to adopt the title "King of Great Britain," the Parliament

demurred and refused to sanction its use. When, however, the Act of Union became effective on May 1, 1707, the kingdoms of England and Scotland were united under the name of Great Britain and Anne was styled "Queen of Great Britain, France and Ireland." Upon the passage of the Act of Union with Ireland, which became effective January 1, 1801, the name became the "United Kingdom of Great Britain and Ireland."

The United Kingdom of Great Britain and Ireland became an empire officially when, in the year 1876, Queen Victoria assumed the title of Empress of India. The title of King George V is "George V, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, and of the British Dominions Beyond the Seas, King, Defender of the Faith, Emperor of India."

While the term Briton may be used to denote an inhabitant of Britain, yet it is generally used to designate those older Celtic inhabitants described by Caesar and afterward conquered by the Anglo-Saxon tribes.

Albion was the name given to the island in ancient times and was so called from the white cliffs of the English Channel which resembled "mountains covered with snow" and known in Celtic as "alpen" or "alp."

ENGLAND is the name of the southern part of the island of Great Britain and is sometimes used to include that portion more particularly known as Wales.

It means the land of the Angeln, or Angles, that is the land of the people who formerly dwelt in that district of Schleswig known as "Angul."

The word "angul," or "angel" (cognate with the English word "angle"), meant in Anglo-Saxon a hook, or fish-hook, the Aryan root of the word being "ank."

meaning "to bend," and so it is supposed that the tribe or people living in that portion of Schleswig derived their name from the shape of that particular district. Bede speaks of it as "*illa patria quae Angulus dicitur.*"

The name "England" was first used to designate the Anglo-Saxon kingdoms of the Heptarchy in the time of Egbert (827 A. D.) when he united them into one kingdom, or, at least, under one sway. It is asserted that this king issued a royal decree proclaiming the name of England for the country, and the name of English for the inhabitants and for the language. It remained, however, for the Danes and for the Normans (particularly the latter) to unite with the Anglo-Saxons before the final formation of that kingdom and of that people, we now know as England and the English, took place.

The word "Saxon" is the name of the second of those tribes which, coming from the shores of the North Sea in the district of Holstein, followed the Jutes in their descent on Britain. The name is derived from "sax," "saex," or "seax," meaning a knife, or short sword, so that Saxon would mean the wearer of a short sword.

The term Anglo-Saxon is used to denote all those tribes of Jutes, Saxons and Angles which came to Britain in the fifth and sixth centuries. They came from neighboring districts, were of the same stock and spoke different dialects of the same language, and so, under this name, they are regarded as one people settling in Britain.

There is some dispute as to whether Anglo (Angle) in the compound word "Anglo-Saxon" is to be considered in a substantive sense or whether it is to be treated as an adjective to distinguish the English Saxon from the Old Saxon who remained in his German home.

Wales is the name for that portion of England which forms a great peninsula on the western coast. It is an administrative division of England and has been united to it since the time of Edward I, who made it into a principality by creating his young son (afterward Edward II) Prince of Wales.

The name of Welsh was given to the inhabitants of the country in early times by the Anglo-Saxons. The word means foreigners and was applied to those Celts whom they found living there as well as to those Britons whom they forced to flee to this portion of the island.

Scotland is the northern portion of the island of Great Britain. It means the land of the Scottas, or Scotti. The etymology of this word is obscure. Until the reign of King Alfred, the word Scottas was used to denote the people of Ireland, who were a Gaelic branch of the Celtic race. They established a settlement in Argyll in the sixth century and gradually extended over the country then occupied by the Picts, as the inhabitants of Caledonia were known.

Finally the two races were joined in the kingship of Kenneth McAlpin and from that time (middle of the ninth century) the northern part of Great Britain was known as Scotland.

The name of Caledonia was given by the Romans to the most northerly part of Great Britain and, more particularly, to the most northerly province, or division, of the island by them. It corresponded to what is now known as the Highlands. The use of the word "Caledonia" to designate Scotland is now archaic, although sometimes found in poetry.

That portion of Scotland lying north of the River Forth is known as the Highlands, while that south is known as the Lowlands.

Topographical and racial conditions have made this natural division of the country a potent factor in its history.

Ireland was first known as Ierne, Iernia and Hibernia by the Romans, and the etymology of its name, like its ancient history, is obscure and involved in myth. Henry II, always desirous of securing new dominions, sent over certain of his followers to Ireland in the year 1169 A. D., and from that date its history impinges upon that of England.

That portion of the country dominated by the English (in the eastern part of the island about Dublin and which, from time to time, varied in extent) was called the "Pale," so that the remainder of the country was said to be "beyond the Pale," and was under the dominion of various chieftains who were more or less hostile to the English.

THE ENGLISH LANGUAGE is the direct result of the combination of Anglo-Saxon and Norman-French subsequent to the Norman Conquest.

The Jutes, the Saxons and the Angles were closely allied tribes dwelling in the northern part of Germany and in Denmark who spoke different dialects of the same language, which belonged to the Low German division of the southern, or German, branch of the Teutonic family of Aryan languages. The exact locations of the former homes of these tribes are difficult to determine. Some historians make them proceed from the territory now known as Friesland, while others contend that what

is now known as Denmark comprehended all the districts of these tribes.

The weight of authority would seem to place them as follows: the Jutes in the middle and the whole, or a portion, of the northerly part of Denmark; the Angles in the district known as Schleswick; the Saxons in the district of Holstein. It is also contended that the dialect of the Jute was more closely connected with the Saxon (Old Saxon) dialect than was that of the Angle and would denote that the Jutes dwelt between the lands of the Angles and the Saxons instead of north of the former and that the original dialect of the Angle was more closely allied to the Scandinavian than it was to that of the Saxons. But these hypotheses merely show the difficulty of exactly locating the former homes of the three principle tribes which formed the Anglo-Saxon kingdoms.

When these tribes invaded Britain (449-588 A. D.) they found the Celtic language and the Latin, the former as the popular, the latter as the polite and learned tongue which had been imported by the Romans during their occupation of the island and which was chiefly confined to the towns. As the Anglo-Saxon tribes were of the same race and had the same customs and manners, and as the difference in their speech was merely dialectical, it was natural that they should assimilate, while the common enmity of the Celt against them would prevent any appreciable influence by the Celtic tongue. So it is supposed that the Celtic and the Latin of this period had little or no influence on the fusion of those Anglo-Saxon dialects which was taking place.

Latin was again introduced in Britain when Pope Gregory I (the Great) sent Saint Augustine to convert

the Anglo-Saxons and to establish the authority of the Roman See. Augustine, with his thirty-nine companions, landed at Thanet in the early part of the year 597 A. D., but the Latin language was confined to the learned and had little influence on the rapidly developing Anglo-Saxon speech.

The next language which was brought in contact with it was that of the Vikings of Scandinavia and Denmark. These Vikings were the inhabitants of Scandinavia and, coming from the coasts of Norway and Sweden, had taken possession of the former northerly holdings of the Anglo-Saxon tribes in Denmark after the latter had emigrated to Britain. It is possible that some of these Vikings were a part of the original tribe of Jutes who had remained in Denmark and had become affiliated with the Norse and Swedish tribes.

The name "Vikings" was given generally to those bands of hardy freebooters from Scandinavia and Denmark who began their incursions upon the northern and western shores of Europe and upon England early in the ninth century. They were called Danes in England and Norsemen, or Northmen, in France and Europe generally. The name Normandy marks their acquisition of territory in northern France, while the old term of "Danelagh" marked for many years that portion of eastern England held by them from the Peace of Wedmore (878 A. D.) until the Norman Conquest. This term of "viking" is derived from the word "vik," meaning a creek or small bay, so that "vikingr," or "viking," would mean a frequenter of creeks, and applied to every member of these piratical hordes. The term "sea-king" is not the translation of the word "viking," for the former denotes

the leader, or chief, of such a band, so that while a Scandinavian sea-king was a viking, the latter name would apply to each of his wild followers. They spoke a language known as Old Danish, which belonged to the northern, or Scandinavian, branch of the Teutonic family of Aryan languages. Their incursions, their settlement in the Danelagh (also written Danelaw), the rule of the Danish kings—Canute, Harold and Hardicanute—brought their language in close contact with the Anglo-Saxon, but while it may have had some effect upon the latter yet this effect was not a very pronounced one. From the time of the Battle of Hastings (1066 A. D.) until about 1250 A. D., Anglo-Saxon and Norman-French were spoken side by side, the Norman disdaining the vernacular of the Saxons. The Norman-French tongue was, in effect, the colloquial and colonial Latin of Gaul adopted by the Northmen upon their acquisition and colonization of that portion of France which has since borne their name. As time went on, however, the Anglo-Saxons and Normans were drawn closer and closer, the feelings of animosity disappeared and there grew up a speech known and spoken by both. The amalgamation of the two races is said to have taken place in the reign of Henry II (1154-1189). This was the beginning of the English speech of today, and although it may be regarded as the direct development of the Anglo-Saxon, yet, during the great transition period from 1066 A. D. to 1350 A. D., the latter was so altered as to appear at the end of that time as a distinct language. There are two great differences between the two tongues. The first in point of importance as well as in point of time took place between 1150 A. D. and 1250 A. D. and consisted in the loss of inflec-

tions. Anglo-Saxon was an inflected, or synthetic, language, while English is not an inflected language but an analytic one. The second great difference took place between 1250 A. D. and 1350 A. D. and consisted in the vast increase in the vocabulary of the English and its greater pliability by reason of the introduction of the rich store of Latin words through the medium of the Norman-French. The great influence of the Norman-French can thus be seen in these two vast changes, so it may here be noted that while some call the Anglo-Saxon period Old English, others give this name to the period between 1250 A. D. and 1350 A. D.

A potent factor in the union of the two languages, Anglo-Saxon and Norman-French, was the continued oppression of the Crown, which bore heavily upon both peoples and created a common spirit of nationality. Opposition to this oppression culminated in the meeting of the Barons with King John at Runnymede and the execution of the Magna Charta on June 15, 1215, so that this date has almost as much significance in literature as it has in history.

From the very nature of the case, exact dates of transitions in the language from one stage of development to another cannot be given. There is diversity of opinion not only as to these but also as to the nomenclature of the divisions showing the different stages. Thus the name of Old Saxon is generally given to those of the Saxons who remained on the Continent to distinguish them from their brethren who came to Britain at the time of the Anglo-Saxon invasion. And this name applies to the language which the Old Saxons used. But some use this term to apply to the Anglo-Saxon period

(449 A. D. to 1066 A. D.), while others call it the Old English.

A concise expression of the derivation of English may be thus given: the English language is the direct descendant of the Anglo-Saxon in combination with the Norman-French.

English literature, as distinguished from Anglo-Saxon and Norman-French, may be said to date from the time of Chaucer (1340-1400), since which time there has been a steady growth and, by reason of its inherent strength and beauty as well as by many other wonderful properties, it has become the classic language known as Modern English.

Caxton (about 1422-1491), by the introduction of printing into England in the year 1477, advanced the cause of the language by fixing grammatical form and orthography, since, by means of this art, the syntax and orthography naturally became more uniform and were less liable to changes and alterations due to the mistakes or to the dialectical differences of various transcribers.

Shakespeare (1564-1616), by his genius and industry and through the great medium of the drama, did much to mould the form of the language. But the greatest influence exerted for the welfare of the English and for the establishment of a classic style was the translation of the Holy Bible (commenced in 1604, and printed in 1611) known as the authorized, or King James, version.

The official recognition of the language did not keep exact pace with its literary growth, although one of the earliest specimens of English (Transition Period) is the Proclamation of Henry III to the people of Huntingdonshire in the year 1258 A. D.

In 1362 A. D. (36 Edward III, Chap. 15), it was enacted that pleas in the courts should be made in English and enrolled in Latin.

In 1731 A. D. (4 George II, Chap. 26), it was ordered that on and after 25 March, 1733, "all Proceedings whatsoever in any Courts of Justice in that Part of Great Britain called England, and in the Court of Exchequer in Scotland, and which concern the Law and Administration of Justice, shall be in the English Tongue and Language only and not in Latin or French, or any other Tongue or Language whatsoever."

The above Act was extended to the Principality of Wales in the year 1733 A. D. by the Statute of 6 George II, Chap. 14, sec. 3.

From the above remarks it will be seen that there are two ways to regard the growth and development of the English language.

If we consider it as the natural development and growth of the speech of the Anglo-Saxon tribes (although materially altered by outside influences during the period from 1066 to 1350), and that the language has retained the inherent qualities of the earlier times notwithstanding the outside influences, we may view the matter from a historical standpoint and may regard the history of the language as coincident with the history of the Anglo-Saxons who began the English nation of today when they first landed in 449 A. D.

On the other hand, it may be thought that the changes wrought were so material, and the Norman-French and other influences so vital and so strong, as to produce a distinct language. This may be considered a linguistic

or literary view. The question narrows itself down as to whether the degree of dissimilarity is such as will sustain the distinction or not. But we may agree that there can be no doubt that English is the direct descendant of the Anglo-Saxon; that it met with great and radical changes in the transition period, during which time it combined with the Norman-French; that we now possess a language that differs materially from its predecessor.

A further discussion of this subject belongs to the history of literature and of the English language.

As stated above, there are various classifications, or divisions, of the periods of growth and development of the language, and it will be found that authorities vary greatly in their nomenclature of the periods, so that it is often confusing. Frequently, this difference is attributable to the personal bias, or viewpoint, of the author in question, which is true not only as to the history of literature but also as to general history.

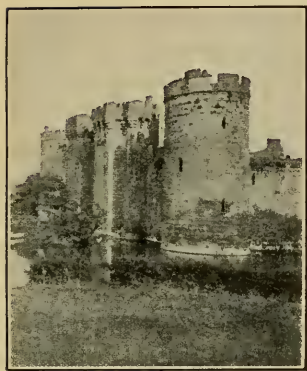
Thus, some call the period from the accession of Henry VII (1485) to 1611 Tudor, or Early Modern, English, others declare that Modern English should be applied to the language and literature which began about the middle of the reign of Elizabeth (about 1580); others point to 1477 as the beginning of Modern English. The many changes in the English language give grounds for various classifications, but the following is a general one and conforms to the greater changes that have taken place:

Anglo-Saxon (Old English)—449 to 1066, or 1100.

Anglo-Saxon and Norman-French (Transition Period)—
1066 to 1350.

English, First Period—1350 to 1611.

English, Second Period—1611 to present.



The Feudal System. William the Conqueror introduced this system of land tenure upon which the political and social life of the nation thereafter grew. It was a modified feudalism from that of the continent, for William claimed the direct fealty to himself as sovereign of all who held indirectly as well as directly of him, and "tenure of land was the basis of Norman administration."

The introduction of the feudal system changed the whole course of the constitutional, or governmental, history of England, and while there are conflicting views as to the amount of this change, yet the latest and more authoritative idea is that the variation is marked and distinct between the Anglo-Saxon and Anglo-Norman institutions.

As stated above, William introduced and emphasized that system which, based upon tenure, regarded the title of all land as vested in the Crown. It was feudal as distinguished from allodial.

It is stated in the Anglo-Saxon Chronicle (Anno 1086) that William held a great assembly at Salisbury and that there "he was met by his counsellors and all the landmen that were of any account over all England became this man's (William's) vassals as they were; and they all bowed themselves before him and became his men, and swore him oaths of allegiance that they would against all other men be faithful to him."

The claims of feudal prerogative became more and more oppressive and their abuse was sought to be checked as in the case of the obtention of Magna Charta and its reissues and confirmations. Owing to these checks and to the growth of the constitutional ideas of government (as evidenced by the development of Parliament) the rigors of the feudal laws became modified so that feudalism under the Tudors* differed from feudalism under the Norman and Plantagenet kings.

Henry VIII established the Court of Wards and Liveries which had the control of wardships, livery of seisin (through the king's writ to the heir when he came of age) and of a number of other profits from tenure which accrued to the sovereign (32 Henry VIII, c. 46 and 33 Henry VIII, c. 22).

The Commonwealth (in the year 1645 and again in 1656) did away with this Court and many of the feudal exactions and upon the Restoration one of the first acts passed was that of 12 Charles II, c. 24, entitled "An Act for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knight's-Service, and Purveyance, and for settling a Revenue upon his Majesty in lieu thereof."

This Act abolished the old tenure by knight-service and its incidents and converted such tenure into that of free and common socage.

Thus the main feature of feudalism was abolished in A. D. 1660 and to this extent feudalism as formerly existent may be said to have ended.

But it must not be supposed that the underlying idea of feudal holding and the principles of jurisprudence connected therewith were abolished by that statute, for many

of such principles still remain and the existent law, particularly as regarding landed estates, is not only remi-niscent, but is made up, of those principles of feudal law and custom which have come down from the past.

Domesday Book. - William the Conqueror, after holding his court at Gloucester, A. D. 1085, "had a very deep consultation with his council" about the condition of the kingdom and thereupon he ordered an inquisition of the whole country, the result of which is contained in the two volumes of Domesday, or Doomsday. The survey, or inquisition, itself was called a "descriptio" and it is now held that this was in the nature of a "return" and that from the "descriptio" of the different counties the Domes-day volumes were thereafter compiled for the use of the king's officials, so that, while it is stated that "Domes-day" was completed in the year 1086 (or about eight months after it was ordered) and this date is generally assigned to the volumes we now know as the Exchequer Domesday, it is advanced by eminent authority that Domes-day Book itself was not transcribed from the "descriptio" until later.

The returns were made at Winchester and the book styles itself "*Liber de Wintonia*," for the name "Domes-day" did not attach until later and possibly not until the middle of the twelfth century. It is also called "*Rotulus Wintoniae*," "*Liber de Thesauro*," "*Censualis Angliae*," "*Scriptura Thesauri Regi*," as well as being referred to by other names.

There are numerous theories as to the etymology of the word, but the one generally accepted is that it was so applied to indicate that the inquisition was to be in the nature of a judicial determination, or judgment, as

the word “dom,” or “doom,” meant a judgment. Some derived the name from the idea that the books were first deposited in the church (Domus DEI) of Winchester with the king’s treasure.

The investigation as made was not a survey in the sense of locating properties by metes and bounds, but was fiscal rather than topographical and was intended primarily to obtain such data whereupon the king could levy a tax or “geld.” The theory that it was based upon the Dom-boc of King Alfred is no longer entertained, as that was simply a code of Saxon laws.

Domesday (the “Exchequer” Domesday) is contained in two volumes which are known respectively as the “Great Domesday” (Volume I) and the “Little Domesday” (Volume II). Volume I (382 leaves of writing) contains an account of thirty counties, and the then District of Rutland, while Volume II (450 leaves) contains the description of three counties in greater detail.

It is now advanced that Volume II was the first volume compiled from the original returns and that, finding the method therein employed too long, the descriptions were made shorter in the book we now know as Volume I.

Volume I contains the following counties :

Kent	Herefordshire
Sussex	Cambridgeshire
Surrey	Huntingdonshire
Hampshire	Bedfordshire
Berkshire	Northamptonshire
Wiltshire	Leicestershire
Dorsetshire	Warwickshire
Somersetshire	Staffordshire
Devonshire	Shropshire
Cornwall	Cheshire

Middlesex	Derbyshire
Hertfordshire	Nottinghamshire
Buckinghamshire	Rutland (as a district)
Oxfordshire	Yorkshire
Gloucestershire	Lincolnshire
Worcestershire	

Volume II contains: Essex, Norfolk and Suffolk.

Lancashire does not appear under its name for it had not been erected into a county at the time of Domesday. A part of its territory appears in the survey of Yorkshire, while another part appears in Cheshire.

Rutland is mentioned more as a district than as a county and parts of its present territory are described under the surveys of Northamptonshire and Lincolnshire.

Monmouthshire was formerly the Welsh kingdom of Gwent and at the time of the inquest was not ranked as an English county although certain portions, including the town of Monmouth, were assessed under Herefordshire while others were assessed under Gloucestershire.

Cumberland, Northumberland, Westmoreland and Durham do not appear in Domesday, and for this various reasons are assigned. It is held that they were not surveyed because the country had been so devastated that it was thought very little revenue could be obtained. A better view appears to be the fact that these northern counties were not at that time defined as they are now (the southern portions of Cumberland and Westmoreland being then in Yorkshire) and that they were not altogether under the absolute dominion of the English king and an integral part of the kingdom.

William appointed commissioners who were required to summon the sheriff, the barons and others of every

community and obtain from them under oath the details desired for the inquest. Although no original and authentic writ containing the directions of the king to his commissioners (legati) for making the inquest is known to exist, the "return" from the "Inquisitio Eliensis" is supposed to contain the enquiries to be made.

"Here is underwritten the inquest of lands which the King's Barons made, to wit, by the oath of the sheriff of the shire and all the barons and their Frenchmen and the whole hundred, and of the priest and the reeve and six villeins of every township, as follows: How the manor is called; who held it in King Edward's time; who now holds it; how many hides; how many plough-teams in demesne; how many plough-teams of the tenants; how many villeins; how many cottars; how many slaves; how many free men; how many sokemen; how much woodland; how much meadow; how much pasture; how many mills; how many fisheries; how much has been added or taken away; how much was the total value; how much now; how much each free man and sokeman had or has. All this thrice, to wit, in the time of King Edward, and when King William granted it, and as it is now and if it is possible to get more than it now had."*

There are certain documents closely associated with the Exchequer Domesday which have shed great light upon

* "Hic subscribitur inquisicio terrarum, quomodo barones regis inquisierunt, videlicet per sacramentum vicecomitis scire et omnium baronum et eorum francigenarum, et tocius centuriatus, presbiteri, prepositi vi villani uniuscujusque ville: deinde quomodo vocatur mansio, quis tenuit eam tempore R. E., quis modo tenet, quot hidae, quot carruce in dominio, quot hominum, quot villani, quot cotarii, quot servi, quot liberi homines, quot sochemanni, quantum silve, quantum prati, quot pascuorum, quot molendina, quot piseine, quantum est additum vel ablatum, quantum valebat totum simul, et quantum modo, quantum quisque liber homo vel sochemannus habuit vel habet.

"Hoc totum tripliciter, scilicet tempore regis Aeduardi, et quando Rex Willelmus dedit et qualiter modo sit, et si potest plus haberi quam habeatur."

the study of that book, such as the "Inquisitio Eliensis" just referred to, the "Liber Exoniensis" and the "Inquisitio Comitatus Cantabrigiensis."

The "Inquisitio Eliensis," or "Inquest of the Lands of the Monastery of Ely," deals with the holdings of that Abbey which were spread over Cambridgeshire, Hertfordshire, Essex, Norfolk, Suffolk and Huntingdonshire, and seems to have been made in part from copies of the original returns for Domesday and in part from copies from Domesday itself.

The "Inquisitio Comitatus Cantabrigiensis," or "Inquest of the County of Cambridge," has been declared to be "the true key of the Domesday Survey." It deals with all holders of lands in that county and is supposed to be either the original returns, or early copies of the original returns, from which Domesday was compiled.

The "Liber Exoniensis," or "Exon Domesday," is supposed to contain an exact copy of the original returns of the royal commissioners and deals with the five south-western counties which are thought to have composed a group for the purposes of the survey. These counties are Wiltshire, Dorsetshire, Somersetshire, Devonshire and Cornwall.

There are a number of other and subsequent surveys, or "inquests," which also throw light upon Domesday Book and the customs, manners and tenures of the times and localities when and where taken.

The Worcestershire Survey, or Inquest, was taken at some time between the years 1108 and 1118 owing to a dispute between the church at Worcester and the sheriff as to the rating of the former. Other surveys were: the Lindsey Survey (1115-1118), the Leicestershire Sur-

vey (1124-1129), the Northamptonshire Geld-Roll (Temp. Henry I or Henry II).

The name of "domesday" was sometimes applied to inquisitions of this nature as in the case of the "Domesday of Saint Paul's" made in the year 1181. Closely associated in character is the "Boldon Book," which was compiled by the order of Hugh Pudsey, Bishop of Durham, in the year 1183. It contains an account of the rentals and seignorial rights of that bishopric and was so called because the tenures of Boldon were taken as a standard of comparison for the entire estate.

MAGNA CHARTA (or Magna Carta) was the declaration of English rights and liberties forced by the barons from King John at Runnymede and sealed by the king on 15 June, 1215. It has been referred to as "the keystone of English liberty," and has frequently been reissued and reaffirmed by succeeding sovereigns.

When the charter was executed, or immediately thereafter, many copies were made in order that they might be sent to the cathedrals and castles throughout the realm, for it was the custom in those early days to distribute documents of great public import to the various strongholds and cathedrals as the safest repositories for their preservation. In this case it was particularly important, for the barons had every reason to know, as the event proved, that the king would endeavor to evade the stipulations of his concessions and would violate the provisions for the maintenance of the rights of his opponents.

There are four charters now in existence which are considered to be "originals," or original duplicate copies, of the Magna Charta of King John: (1) the Lincoln Magna Charta, now in the archives of Lincoln Cathedral;

GREAT SEAL OF KING JOHN

(Size of seal, 3.8 in. diameter)

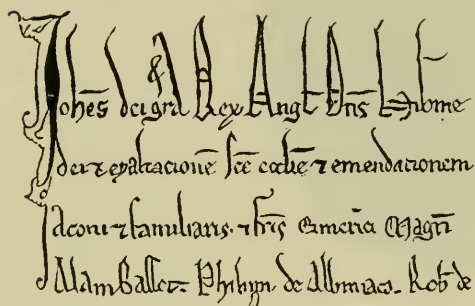


FRONT, OR OBVERSE



REVERSE, OR COUNTERSEAL

(2) the British Museum Magna Charta No. 1; (3) the British Museum Magna Charta No. 2 (both of these latter, (2) and (3), being in the British Museum); (4) the Salisbury Magna Charta, now in the archives of the Salisbury Cathedral. The four copies are alike except in a few trivial particulars.



Iohes de gra Rex Angl Dns Home
 de re pacacione sue ecclie remencionem
 facit et familiaris. Hinc Emma Magna
 Mamballer. Phylip de Almar. Rob de

The Lincoln Magna Charta has been engrossed with more care than the others and was chosen by the commissioners in preparing the Statutes of the Realm. It is sup-

posed to have been transmitted to the cathedral by Hugh, the then Bishop of Lincoln, who is mentioned as one of the bishops in the introductory clause of the document.

Magna Charta is usually divided into a preamble and sixty-three chapters, but in the "originals" there are no such divisions. Its language is mediaeval Latin, while its handwriting is that known as Norman, which, becoming greatly changed, was long after known as "Court Hand" to distinguish it from other styles of handwriting.

King John did not affix his signature to the document, the seal being considered the full execution of an instrument for some time prior and subsequent to this reign. It must also be noted that there is some discussion as to the actual date of the execution of this Charter, as it is advanced that while the terms were actually agreed to on 15 June, 1215, it was not finally executed until 19 June,

1215. The express statement of the document itself gives the date as 15 June, 1215.

Magna Charta was reissued three times during the reign of King Henry III, namely, in the years 1216, 1217 and 1225. These documents differed in their terms from that of his father, King John, and that of A. D. 1225 is the Magna Charta generally referred to by the old law-writers. Edward I confirmed Magna Charta in the twenty-fifth year of his reign (12 October, 1297), which was done by the regrant of that of 9 Henry III (with a small change) and is known as an "Inspeximus" charter on account of the statement therein contained that "we have examined the Great Charter" of King Henry (III) and, after quoting same (with a slight change), ratifying and confirming it.

Magna Charta has been confirmed and ratified at least thirty-two times, according to Coke.

King John did not issue a Forest Charter. The first Forest Charter was granted by Henry III on 6 November, 1217, and, it is supposed, at the same time as his second Charter of Liberties, which latter is undated. Some doubt, however, exists as to the date of the execution of this second Magna Charta of Henry III and the 23 September, 1217, is also assigned as the exact time.*

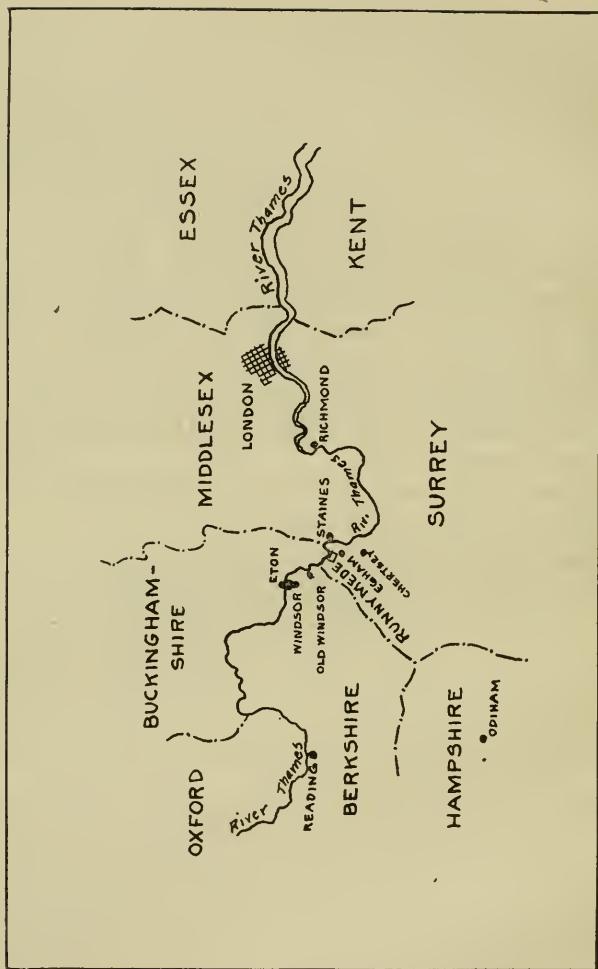
* Before the time of Henry II there were no fixed forms to distinguish the public edicts, public directions or private instructions of the sovereign, but from that time certain distinctions began to appear and became well marked about the year 1300.

A Charter contained the most solemn acts and declarations of the king. In form, Charters are like Letters Patent as they are not sealed up like Letters Close but have the seal pendent at the bottom of the writing like Letters Patent.

Letters Patent contain the public directions of the king or directions which, though private in their nature, are of public import.

Letters Close were private instructions to individuals and were so called because they were folded or closed.

The difference between Charters and Patents were that, as to substance, the former contained the more solemn grants and similar acts of the sovereign



RUNNYMEDE

Magna Charta of King John.

John, by the Grace of GOD, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, Count of Anjou, to the Archbishops, Bishops, Abbots, Earls, Barons, Justiciars, Foresters, Sheriffs, Provosts, Officers, and to all his Bailiffs and Faithful Subjects, Greeting:

Know ye, that we, in the presence of GOD, and for the health of our soul and of the souls of all our ancestors and heirs, to the honor of GOD and the exaltation of Holy Church and amendment of our Kingdom, by the counsel of our Reverend Fathers, Stephen Archbishop of Canterbury, Primate of All England and Cardinal of the Holy Roman Church, Henry Archbishop of Dublin, William of London, Peter of Winchester, Joscelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, Bishops, of Master Pandulf Subdeacon and a member of the household of our lord the Pope, and of Brother Aymer Master of the Knighthood of the Temple in England, and of the illustrious men William Marshal Earl of Pembroke, William Earl of Salisbury, William Earl of Warren, William Earl of Arundel, Alan of Galloway Constable of Scotland, Warine Fitz-Gerald, Hubert de Burgh Seneschal of Poitou, Peter Fitz-Herbert, Hugh de Neville, Matthew Fitz-Herbert, Thomas Basset, Alan Basset, Philip de Albini, Robert de Roppelay, John Marshal, John Fitz-Hugh,

which were supposed to affect the entire kingdom, while the latter were of public moment but of a more personal nature; as to form, Charters were addressed to all the various classes of the kingdom and were witnessed by the Earls, Barons and high officials of the nation, while Patents were addressed only to those whom they concerned and were tested by the King himself.

It must, however, be remembered that the word Charta also stood for a Deed between private individuals and also between the King and his grantees as conveying estates and privileges.

and of others our liegemen have in the first place granted to GOD and by this, our present charter, have confirmed for us and our heirs forever:

1. That the English Church shall be free and shall have its rights entire and its liberties unimpaired, and we wish it to be so observed as appears from this, that, by our own unconstrained and free will, before the discord arose between us and our barons, we granted and confirmed by our charter that freedom of elections which is considered most necessary for the English Church and obtained its confirmation by our lord Pope Innocent III, and which we will observe and ordain to be observed in good faith by our heirs forever.

2. We have also granted to all the freemen of our kingdom, for us and our heirs forever, all the underwritten liberties to be had and held by them and their heirs of us and our heirs:

If any one of our earls, or barons, or others holding of us in chief by military service shall die, and when he shall die his heir shall be of full age and owe relief, he may have his inheritance by the ancient relief; that is to say, the heir, or heirs, of an earl, for the whole barony of an earl, by (the payment of) £100; the heir, or heirs, of a baron, for the whole barony, by £100; the heir, or heirs, of a knight, for a whole knight's fee, by 100 s. at most; and he who shall owe less, shall give less, according to the ancient custom of fiefs (i. e., feudum, fief or fee).

3. If, however, the heir of any one of such shall be under age and shall be in wardship, he can have his inheritance without relief and without fine when he comes of age.

4. The guardian of the land of such an heir who is under age shall not take from the land of the heir, save only reasonable issues, reasonable customs and reasonable services, and this without destruction and waste of men or of property. And if we shall have committed the custody (i. e., the wardship) of any such land to a sheriff, or to any other who shall be under obligation to answer to us concerning the issues of such, and he shall make destruction or waste concerning the wardship, we will take amends from him, and the land shall be committed to two lawful and discreet men of that fief who shall answer to us concerning the issues or to him to whom we shall assign them. And if we shall have given or sold the wardship of any such land to anyone, and he shall thereafter make destruction or waste, he shall lose that wardship and it shall be transferred to two lawful and discreet men of that fee who shall be responsible to us in like manner as above stated.

5. The guardian, however, so long as he may have the custody of the land, shall keep up the houses, parks, enclosures, fish-ponds, mills, and the other things appertaining to that land, out of the issues of the same land, and shall return to the heir when he arrives at full age all his land replenished with ploughs and instruments of agriculture according as the time of husbandry shall require and the issues of the land may be reasonably able to sustain.

6. Heirs shall be married without disparagement and so that before the marriage is contracted it shall be announced to the next of blood of the heir himself.

7. A widow, after the death of her husband, shall have her marriage-portion and her inheritance immediately and

without difficulty, nor shall she give anything for her dower, or for her marriage-portion, or from her inheritance which inheritance her husband and she shall have held on the day of the death of the husband; and she may remain in the home of her husband for forty days after his death, within which her dower shall be assigned to her.

8. No widow shall be distrained (i. e., compelled by the seizure of goods) to marry while she wishes to live without a husband, yet, for all that, she shall give security that she will not marry without our assent, if she holds of us, or without the assent of her lord of whom she holds, if she holds of another.

9. Neither we nor our bailiffs will seize any land or rent for any debt as long as the chattels of the debtor are sufficient for the payment of the debt, nor shall the sureties of the debtor himself be distrained as long as the principal debtor provides for the payment of the debt; and if the principal debtor shall fail in the payment of the debt, not then having wherewith he can pay, the sureties shall answer for the debt and, if they desire, they may have the lands and rents of the debtor until satisfaction shall be made to them concerning the debt which they shall have paid theretofore for him, unless the principal debtor shall show himself to be acquitted therefrom against these same sureties.

10. If any one shall borrow anything from the Jews, more or less, and die before that debt be paid, the debt shall not bear interest as long as the heir shall be under age from whomsoever he may hold; and if that debt shall fall into our hands we will only take the principal mentioned in the deed.

11. And if any one die and owe a debt to the Jews, his wife shall have her dower and shall pay nothing of that debt; and if there remain children of the deceased who are under age, necessities, according to the holding which the deceased shall have had, shall be provided for them, and the debt shall be paid from the residue, saving the service of the lord. In like manner let it be done concerning the debts which are owed to others as well as to the Jews.

12. No scutage or aid shall be levied in our kingdom unless by the common counsel of our kingdom, except for the purpose of ransoming our body, for making our eldest son a knight, and once for marrying our eldest daughter; and for these only a reasonable aid shall be made. In like manner it shall be done concerning the aids of the City of London.

13. And the City of London shall have all its ancient liberties and its free customs as well by land as by water. Also we will and grant that all other cities, boroughs, towns and ports shall have all their liberties and free customs.

14. And for the purpose of having the common counsel of the kingdom concerning the assessment of an aid, other than in the three cases aforesaid, or concerning the assessment of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls and greater barons singly by our letters. And, in addition thereto, we will cause to be summoned in general by our sheriffs and bailiffs all those who hold of us in chief to a day certain, namely, at the end of forty days at least and to a fixed place. And, in all the letters of such summons, we will state the cause of the summons; and, the summons hav-

ing been thus made, the business shall proceed on the day appointed according to the counsel of those who shall be present although not all summoned shall have come.

15. We will not grant, henceforth, to any one that he may take an aid from his free-tenants except for ransoming his body, for making his eldest son a knight, and once for marrying his eldest daughter—and for these only a reasonable aid shall be made.

16. No one shall be distrained to perform greater service for a knight's fee, nor on account of any other freeholding, than is due thence. .

17. Common pleas shall not follow our court, but shall be held in some certain place.

18. Recognitions of Novel Disseisin, of Mort d'Anccestor and of Darrein Presentment shall only be taken in their own counties and in this manner: We, or if we be out of the kingdom, our chief justiciary, will send two justiciaries through every county four times a year who, with four knights of each county elected by the county, shall hold the aforesaid assizes in the county and upon the day and at the place of the county court.

19. And if the above-mentioned assizes cannot be held on the day of the county court, so many knights and freeholders (as may be necessary) shall remain from those who attended the county court on that day by whom judgments sufficient will be able to be made according as the business shall be great or small.

20. A freeman (i. e., freeholder) shall not be amerced for a small offence except according to the measure of the offence; and, for a great offence, he shall be amerced in accordance with the magnitude of the offence, saving

his holding (i. e., his means of livelihood to maintain his position); and a merchant in the same manner, saving his merchandise; and a villein shall be amerced in the same manner, saving his instruments of agriculture—if they shall have fallen under our judicial mercy: and none of the aforesaid penalties shall be imposed except by the oath of honest men of the neighborhood.

21. Earls and barons shall not be amerced except by their peers and only in accordance with the measure of the offence.

22. No clerk shall be amerced of his lay holding except in accordance with the manner of the others aforesaid, and not in accordance with the extent of his ecclesiastical benefice.

23. Neither a town nor a person shall be distrained to build bridges at rivers, except those who are bound from former times and by law to build.

24. No sheriff, constable, coroners, or our other bailiffs, shall hold pleas of our crown.

25. All counties and hundreds, trithings and wapentakes, shall remain at the ancient rents without any increase, excepting our demesne manors.

26. If any one holding of us a lay fief die and our sheriff, or bailiff, show our letters-patent of our summons for a debt which the deceased owed to us, it shall be lawful for our sheriff, or bailiff, to attach and register the chattels of the deceased found in the lay fief to the value of that debt, under the supervision of lawful men; so that nothing may be removed thence until the debt which has been liquidated (i. e., the amount of which has been determined) shall be paid to us, and the residue shall be relinquished to the executors for carrying out the will of

the deceased; and if nothing is owed to us by him, all the chattels shall fall to (the estate of) the deceased, saving to his wife and children their reasonable shares.

27. If any freeman shall die intestate, his chattels shall be distributed by the hands of his near relations and friends under the supervision of the Church, saving to every one the debts which the deceased owed to him.

28. No constable, or other bailiff of ours, shall take corn or other chattels of any one unless immediately thereupon he shall pay money (therefor), or shall be able to obtain a respite therefrom at the will of the vendor.

29. No constable (i. e., constable of a castle) shall distrain any knight to give money in place of castle-guard if he shall be willing to keep that guard in his own proper person or by another honest man if he himself is not able to perform it on account of a reasonable cause; and, if we shall have led, or sent, him in the army he shall be quit of guard, according to the amount of time he shall have been in the army through us.

30. No sheriff, or our bailiff, or any other, shall take the horses or carts of any freeman for the purposes of transportation except with the consent of that freeman.

31. Neither we nor our bailiffs will take the wood of another for castles or our other works except with the consent of the one whose wood it is.

32. We will not hold the lands of those who shall have been convicted of felony except for a year and a day, and then the lands shall be returned to the lords of the fees.

33. All the fish-weirs shall be entirely removed from the Thames and Medway and through all England except along the sea-coast.

34. The writ which is called Praecipe shall not be issued henceforth to any one concerning any holding whereby a freeman may lose his court.

35. There shall be one measure of wine throughout our whole kingdom; and one measure of ale; and one measure of corn, to wit, the London quarter; and one width of dyed cloth and of russets and haberjects, to wit, two ells within the lists. Of weights, it also shall be as with measures.

36. Nothing henceforth shall be given or taken for the writ of inquisition of life and limbs but it shall be granted without charge and not denied.

37. If any one hold of us by fee-farm, or by socage, or by burgage, and hold land of another by knight-service, we will not have the guardianship of the heir nor of his land which is of the fief of another on account of that fee-farm, socage, or burgage, unless the fee-farm itself owe knight-service. We will not have the guardianship of the heir, or of the land of any one which he holds of another by knight-service, on account of any petty-serjeanty which he may hold of us by the service of rendering to us daggers, or arrows, or the like.

38. No bailiff henceforth shall bring any one to law (i. e., shall accuse and cause any one to defend himself) upon his simple accusation without credible witnesses introduced for this purpose.

39. No freeman shall be taken, or imprisoned, or disseised, or exiled, or in any wise destroyed, nor will we send against him, or go against him, unless by the lawful judgment of his peers and by the law of the land.

40. To no one will we sell, to no one will we deny or delay, right or justice.

41. All merchants shall have safety and security to go out of England and to come into England (and) to stay and travel throughout England, as well by land as by water, for the purpose of buying and selling, without any evil taxation, by the ancient and right customs, except in time of war and if they are from a country in a state of war against us; and if such are found in our land at the beginning of the war, they shall be detained without injury of bodies or properties until it may be learned by us, or by our chief justiciary, in what manner the merchants of our land who shall be found in the land at war against us shall be treated, and if ours shall be safe there, the others shall be safe in our land.

42. It shall be lawful henceforth to depart from our kingdom and to return in safety and security, by land and by water, saving our allegiance (i. e., the fealty due), unless for a short period in time of war on account of the common welfare of the kingdom, excepting (those) imprisoned and outlawed according to the law of the land, and the people of the country at war against us, and the merchants concerning whom it shall be done as aforestated.

43. If any one hold of some escheat as of the Honor of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hand (i. e., custody) and are Baronies, and he shall die, his heir shall not give other relief nor make other service to us than he would do to the baron if that barony were in the hand of the baron, and we will hold it in the same manner in which the baron held it.

44. Men who dwell without the forest shall not come hereafter before our justiciaries of the forest on account

of a general summons, unless they are impleaded, or sureties of any person, or persons, who have been attached for the forest.

45. We will not make justices, constables, sheriffs, or bailiffs, except from such who know the law of the realm and wish to observe it faithfully.

46. All barons who have founded abbeys whereof they have charters of the Kings of England, or an ancient tenure, shall have the custody of them when they shall be vacant as they ought to have.

47. All forests which have been afforested in our time shall be disafforested immediately, and likewise shall it be done concerning river-banks which have been placed in preserve by us in our time.

48. All evil customs of forests and warrens, and of foresters and warreners, sheriffs and their officers, rivers and their wardens, shall be enquired into immediately in every county by twelve sworn knights of the same county who ought to be elected by the honest men of the same county, and, within forty days after the inquest made, shall be utterly abolished by them in such manner that they may never be restored, provided that we first be acquainted with this, or our justiciary, if we shall not have been in England.

49. We will immediately return all hostages and charters which have been delivered to us by Englishmen for the security of peace or of faithful service.

50. We will entirely remove from (their) bailiwicks the relations of Gerard de Athyes so that henceforth they shall hold no office of trust; (namely), Engelard de Cygony, Andrew, Peter and Guy de Chancele, Guy de Cygony, Geoffrey de Martin and his brothers, Philip Mark

and his brothers and Geoffrey, his nephew, and their whole following.

51. And immediately after the restoration of peace, we will remove from the kingdom all foreign knights, cross-bowmen (and) stipendiary soldiers, who have come with horses and arms to the hurt of the kingdom.

52. If any one has been disseised or deprived by us, without the legal judgment of his peers, of lands, castles, liberties, or his right, we will restore them to him at once, and if a dispute shall arise over this matter, then it shall be decided by the judgment of the twenty-five barons concerning whom mention is made below in the case of the security of peace.

However, concerning all those things of which any one shall have been disseised or deprived, without the legal judgment of his peers, by King Henry, our father, or by King Richard, our brother, which we have in our hand, or which others hold which we are bound to warrant, we shall have a respite for the common term of the crusaders (i. e., until the general conclusion of the crusade), excepting those things about which a plea has been entered, or an inquest made, by our order before our taking the cross, but when we shall return from our pilgrimage, or if, perchance, we shall remain away from our pilgrimage, we will immediately thereafter display ample justice (to all).

53. We shall have, moreover, the same respite, and in the same manner display justice, concerning disafforesting the forests or retaining the forests which Henry, our father, or Richard, our brother, afforested, and concerning the custody (i. e., wardship) of lands which are of the fief of another and of which we have had wardships

of this kind by reason of the fief which any one held of us by knight-service, and concerning abbeys which have been founded in some other fee than our own, in which the lord of the fief has claimed for himself the right, and when we shall return, or if we shall remain away from our pilgrimage, we will immediately display ample justice to those complaining.

54. No one shall be taken or imprisoned on account of the appeal of a woman for the death of any other than her husband.

55. All fines (i. e., compositions) which have been made by us unjustly and against the law of the land, and all amercements made unjustly and against the law of the land shall be remitted entirely, or thereupon it shall be decided by the judgment of the twenty-five barons concerning whom mention is made below in the case of the security of peace, or by the judgment of the majority of them together with the aforesaid Stephen, Archbishop of Canterbury, if he shall be able to be present, and with others whom he may wish to summon with him for this matter, and if he shall not be able to be present, the business shall nevertheless proceed without him; but in such wise that if any one or more of the aforesaid twenty-five barons shall be in a similar suit they shall be removed as far as relates to this judgment and others elected and sworn in their place shall be substituted by the remainder of the twenty-five (barons) so far as relates to the accomplishment of this matter.

56. If we have disseised or deprived Welshmen of lands, or liberties, or other things, without the lawful judgment of their peers in England or in Wales, they shall be restored to them at once, and if a dispute shall

arise over this, it shall thereupon be decided in the Marches by the judgment of their peers, concerning tenements of England according to the law of England, concerning tenements of Wales according to the law of Wales, concerning tenements of the Marches according to the law of the Marches. Welshmen shall do the same to us and ours.

57. However, concerning those things of which any Welshman has been disseised or deprived without the lawful judgment of his peers by King Henry, our father, or King Richard, our brother, which we have in our hand or which others hold which we ought to warrant, we shall have a respite for the common term of the crusaders, excepting those about which complaint has been moved or inquisition made by our order before our taking the cross. However, when we return or if, by chance, we shall remain away from our pilgrimage, we will immediately display ample justice to them according to the laws of the Welsh and the parts aforesaid.

58. We will return immediately the son of Llewelyn and all the hostages from Wales and the charters which have been delivered to us for the security of peace.

59. We shall act toward Alexander, King of the Scots, concerning the restoration of his sisters and hostages and concerning his liberties and his right, after the manner in which we will act to our other barons of England unless it ought to be otherwise according to the charters which we hold from William, his father, formerly King of the Scots, and this shall be by the judgment of his peers in our court.

60. Moreover, all the aforesaid customs and liberties, the upholding (of which) we have granted in our king-

dom as far as pertains to us towards our people, all of our kingdom, as well clergy as laity, shall observe as far as pertains to them towards their people (i. e., tenants).

61. But while, for GOD and the amendment of our kingdom and the better settlement of the discord which has arisen between us and our barons, we have granted all those matters above written, wishing them to rejoice in a complete and firm stability forever, we make and grant to them the underwritten security: to wit, that the barons shall choose twenty-five barons, whom they wish from the kingdom, who shall be obliged with all their power to observe, hold and cause to be observed, the peace and liberties which we have granted to them and by this, our present charter, have confirmed; namely this, that if we, or our justiciary, or our bailiffs, or other of our officers shall have done wrong in anything against any one or shall have violated any of the articles of peace or security, and the offence shall have been shown to four of the aforesaid twenty-five barons, those four barons shall come before us or to our justiciary, if we shall be out of the kingdom, (and) showing the violation to us, shall petition that we cause that violation to be corrected without delay. And if we shall not have corrected that violation or, if we shall be out of the kingdom, our justiciary shall not have corrected it within a term of forty days, computing from the time at which it was shown to us, or to our justiciary, if we were out of the kingdom, the four barons aforesaid shall refer the cause to the remainder of those twenty-five barons and they, the twenty-five barons, together with the commonalty of the whole land, shall distrain and molest us in every way in which they are able; that is to say, by the capture

of our castles, lands, possessions, and by all other means by which they are able, until the violation shall have been corrected according to their will, saving our person and (the persons) of our queen and children; and, when it shall have been corrected, they shall act toward us as they did previously.

And whoever of our land wishes may swear that, for the accomplishment of all the matters aforesaid, he will obey the mandates of the twenty-five barons above mentioned, and that he, together with them, will distrain and molest us as much as possible; and we publicly and freely give permission to swear to any one who desires to swear, and we will never prohibit any one to (so) swear. But all those of the land who of themselves and their own accord shall be unwilling to swear to the twenty-five barons to distrain and molest us together with them, we will cause them to swear by our mandate as above stated. And if any one of the twenty-five barons shall die, or leave the country, or be incapacitated in any other manner, so that he may not be able to execute these matters aforesaid, they who remain of the above-named twenty-five barons shall elect another in the place of that one, according to their judgment, who shall be sworn in a similar manner and as the others. But in all things which have been committed to those twenty-five barons for the purpose of execution if, by chance, the twenty-five barons shall be present and shall disagree among themselves about any particular matter, or some of those summoned shall be unwilling or unable to attend, that which the majority of those present shall have provided, or ordered, shall be held ratified and approved and as if all the twenty-five had agreed therein. And the aforesaid twenty-five shall swear that they will faithfully observe all the

above-mentioned matters and, with their utmost ability, will cause them to be observed.

And we will obtain nothing from any one, by ourselves or through another, by which any of these grants or liberties may be revoked or diminished, and if such thing shall be done, it shall be null and void and we will never use it by ourselves or through another.

62. And we have fully remitted and pardoned to everyone all the ill-will, rage, and rancor which has arisen between us and our subjects, clergy and laity, from the time of the discord. We have fully remitted, moreover, to all, clergy and laity, and, as far as pertains to us, have fully pardoned all transgressions from Easter, in the sixteenth year of our reign, to the re-establishment of peace. And, over and above, we have caused to be made for them testimonial letters-patent of the lord Stephen, Archbishop of Canterbury, of the lord Henry, Archbishop of Dublin, and of the aforesaid bishops and of Master Pandulf about the security and the above-made grants.

63. Wherefore, we will and firmly decree that the English Church shall be free and that the men in our kingdom shall have and hold all the aforesaid rights and grants, truly and peaceably, freely and quietly, fully and entirely, for themselves and their heirs, of us and our heirs, in all matters and places, forever, as above stated.

It has been sworn, moreover, as well on our part as on the part of the barons, that all the matters aforesaid shall be kept in good faith and without evil intent.

Witnessed by the above-named and by many others.

Given by our hand in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

(J. L. S.)

The barons demanded some assurance from King John that he would observe the terms of Magna Charta and would not oppose the execution of any of its provisions and to this end the following agreement was made. It is not dated, but it is thought it was executed the latter part of June, 1215.

AGREEMENT MADE BETWEEN THE KING OF ENGLAND AND
THE BARONS OF THAT KINGDOM.

This is the Agreement between our lord John. King of England, on the one part, and Robert Fitz-Walter Marshal of the Army of GOD and of the Holy Church of England, and Richard Earl of Clare, Geoffrey Earl of Essex and Gloucester, Robert Bigod Earl of Norfolk and Suffolk, Saher Earl of Winchester, Robert Earl of Oxford, Henry Earl of Hereford, and the following-named Barons, to wit; William Mareschall junior, Eustace de Vesey, William de Mobray, John Fitz-Robert, Roger de Monte-Begon, William de Lanvalay, and other Earls and Barons and Freemen of the whole kingdom on the other part, namely ;

That they, the earls, barons and others above-written, shall hold the City of London as bail from our lord the King, saving, in the meantime, to our lord the King, his rents, revenues and clear dues, to the Feast of the Assumption of the Blessed Mary, in the seventeenth year of the reign of the King.

And the lord of Canterbury shall hold similarly, as bail from our lord the King, the Tower of London for the aforesaid term, saving to the City of London its liberties and free customs, and saving to every one his right to the care of the Tower of London.

And that, in the meantime, our lord the King, will not place a guard or other forces in the above-named City or in the Tower of London.

Also, within the aforesaid term, oaths shall be made throughout all England to the twenty-five barons as it is contained in the charter concerning the liberties conceded and security for the kingdom; or to the attorneys of the twenty-five barons, as it is contained in the writs concerning the elections of the twelve knights for abolishing the evil customs of the forests and other.

And, moreover, within the same term, all the things which the earls, barons and other freemen ask of our lord the King, which he himself has declared should be restored, or which shall be judged by the twenty-five barons, or by the majority of them, ought to be restored, shall be restored according to the tenor of the aforesaid charter.

And if these things shall be done, or if the performance of these things is not withstood by our lord the King, then the City and the Tower of London shall be immediately returned to our lord the King at that same term, saving to the City aforesaid its liberties and free customs as above written.

But if these things shall not be done and the performance of them is withstood by our lord the King so that they shall not have been done within the term aforesaid, the barons shall hold the City aforesaid and the lord Archbishop shall hold the Tower of London until the matters aforesaid shall be completed; and, in the meantime, everyone, on both sides, shall recover the lands, castles and towns which they had in the beginning of the war which has arisen between our lord the King and the barons.

(J. L. S.)

The following may be regarded as explanatory of the Great Charter in so far as the practical details surrounding its issuance are concerned and to be taken in connection with the Agreement for the custody of the City and Tower of London above printed.

LETTERS OF SAFE-CONDUCT TO THE BARONS.

The King to all who shall see these Letters, greeting:

Know ye, that we have taken into our safe conduct all those who shall come on the part of the barons to Staines on Tuesday in the week of Pentecost, in the seventeenth year of our reign, in coming thither and returning and in making their stay there, for the purpose of making and establishing peace between us and the same barons.

Moreover this (safe-) conduct shall continue until the close of the following Thursday. And in (testimony) of this etc.

Witnessed by Myself, at Merton, on the eighth day of June, in the seventeenth year of our reign.

LETTERS CONCERNING THE ENQUIRY INTO EVIL CUSTOMS.

The King to the Sheriff, Foresters, Warreners, Keepers of Rivers and to all Bailiffs in the same County, greeting:

Know ye, that a firm peace has been made again, by the grace of GOD, between us and the barons and free men of our kingdom as you are able to hear and see through our Charter which we have just caused to be made and which also we order to be read publicly through your entire bailiwick and firmly to be observed; (We) willing and urgently commanding that you, the Sheriff, do cause all from your bailiwick, according to the form of the Charter, to make oath to the twenty-five barons, of whom mention is made in the Charter, at the command of these or of the majority of them, before them or

those whom they have appointed (as their attorneys) for this matter by their letters patent, and at the time and place which the aforesaid barons, or those appointed by them for this purpose, shall have appointed for it to be done. Also we will and command that the twelve knights of your county, who shall be elected from the same county in the first county-court which shall be held after the receipt of these letters in your districts, shall take an oath to enquire into the evil customs of sheriffs as well as of their officers, of forests (and) foresters, of warrens and warreners, rivers and their keepers, and destroy them as is contained in the same Charter.

All you, therefore, as you respect us and our honor and the peace of our kingdom, shall observe inviolably, and shall cause to be observed by everyone, all things contained in the Charter; lest on account of your neglect or through your digression, it may happen that the peace of our kingdom may be again disturbed, which GOD prevent. And you, Sheriff, shall cause our peace to be proclaimed through your entire bailiwick and shall command it firmly to be preserved.

And in (testimony) of this etc. we send (these letters) to you.

Witnessed by myself at Runnymede on the nineteenth day of June in the seventeenth year of our reign.

LETTERS TO DISMISS FOREIGN TROOPS.

The King to Hugh de Bova, greeting:

We order you that as you are loyal to us you will not detain any of the knights or soldiers who are at Dover but will cause them to go, peacefully (and) without delay, into their own country.

And in (testimony) of this etc.

Witnessed by myself, at Runnymede, on the twenty-third day of June, in the seventeenth year of our reign.

LETTERS TO THE SHERIFFS AND THE TWELVE KNIGHTS.

The King to the Sheriff of Warwick and to the Twelve Knights elected in the same County for the purpose of enquiring into and abolishing the evil customs of sheriffs and their officers, of forests and foresters, of warrens and warreners, of rivers and their keepers, greeting:

We command you, that, instantly and without delay, you take into our possession the lands, tenements and chattels of all those of the County of Warwick who shall have refused to make oath to the twenty-five barons according to the form contained in our Charter of Liberties, or to those whom they have appointed for this purpose, and, if they shall be unwilling to make oath immediately after the fifteen days are completed, you shall cause to be sold all the chattels which shall have been seized, except the lands, tenements and chattels of those taken in our possession, and the money thence collected, being destined for the Holy Land, you shall retain in safe custody.

But you shall hold their lands and tenements in our possession until they shall make oath, and this has been provided through the judgment of the Lord Archbishop of Canterbury and the Barons of our kingdom.

And in (testimony) of this etc.

Witnessed by me at Winchester, on the twenty-seventh day of June, in the seventeenth year of our reign.

The same has been commanded to all the sheriffs of England.

Tribes inhabiting England and Wales at the time of the Roman Invasion. The number and territory of these tribes cannot be exactly ascertained, but the following table may give an idea of the condition of the island at that time:

- I. Atrebatii—Berkshire.
- II. Belgae — Somerset, Wiltshire, Isle of Wight, Hants.
- III. Brigantes—Yorkshire, Lancashire, Westmoreland, Cumberland and Durham.
- IV. Cantii—Kent.
- V. Catyeuehlani—Bedfordsire, Bueks and Hertfordshire.
- VI. Coritani—Northamptonshire, Leicester, Rutland, Lincoln, Nottingham and Derby.
- VII. Cornabii and Damnonii — Cornwall and Devonshire.
- VIII. Cornavii — Warwick, Cheshire, Shropshire, Stafford and Worcestershire.
- IX. Dimetae—Caermarthen, Pembroke and Cardigan-shire.
- X. Dobuni—Gloucester and Oxfordshire.
- XI. Durotriges—Dorsetshire.
- XII. Icenii—Suffolk, Norfolk, Cambridge and Huntingdonshire.
- XIII. Ordovices—North Wales.
- XIV. Otaduni—Northumberland.
- XV. Regni—Surrey, Sussex and South Hants.
- XVI. Silures—South Wales.
- XVII. Trinobantes—Middlesex and Essex.

The Romans divided Great Britain into the following-named divisions or provinces:

- I. Britannia Prima, being the country south of the Thames and Severn.
- II. Britannia Secunda, or the portion of the country now known as Wales.
- III. Flavia Caesariensis, embracing the central counties from the Dee on the north to the Thames on the south, and from the eastern boundary of Britannia Secunda to the Wash and North Sea.
- IV. Maxima Caesariensis, from the Dee on the south to the wall of Adrian (which extended between the

mouth of the River Tyne to the Solway) on the north.

V. Valentia, from the wall of Adrian on the south to the rampart of Agricola (which extended from the Firth of Forth to the Firth of Clyde and was afterward restored and called the Wall of Antonine, or Graham's Dyke) on the north.

VI. Caledonia, that part of Britain north of the rampart of Agricola.

The Heptarchy. The number of the Anglo-Saxon kingdoms varied from time to time and it has been said that at no time were there precisely seven independent kingdoms, as the name would indicate.

The Anglo-Saxon period, especially from 449 to 827, is so confused in the sparse annals and chronicles of the time that it is impossible to speak with historical certainty of the exact relations of these principalities, as well as give exact dates. There are, however, certain facts which we do know from the accounts of this time, and it is from these that we can state that there were seven of these kingdoms, founded by the Jutes, the Angles and the Saxons, which stood out in a prominent way; and, from time to time, one of them would appear to be on the verge of assuming the sovereignty of the others. This did not occur until the time of Egbert, as we have heretofore seen, although there is some dispute as to whether Egbert should be called the first Anglo-Saxon, or English, king; that is, whether he possessed that power which made him a sovereign over all of Angla-land. The following are the kingdoms of the so-called Heptarchy, together with the approximate time of their several foundations and the names of their first leaders, or kings:

(Hengist and Horsa land at Ebbsfleet, Thanet, in 449 A. D.)

- I. Kent, founded by the Jutes under Hengist, 457 A. D.
- II. South Saxons, or Sussex (comprising Sussex and Surrey), founded by the Saxons under Ella, 491 A. D.
- III. West Saxons, or Wessex (comprising the country west of Sussex and south of the Thames, except Cornwall), founded by the Saxons under Cerdic, 519 A. D.
- IV. East Saxons, or Essex (comprising Essex and Middlesex), founded by the Saxons under Ereenwin, 527 A. D. This division was between Kent and Sussex on the south and Mercia and East Anglia on the north.
- V. Northumbria, the land north of the Humber (lying between Mercia on the south and the Firth of Forth on the north), founded by the Angles under Ida, 547 A. D. This kingdom was divided at first into the two states of Bernicia and Deira which began to unite in 588 A. D.
- VI. East Anglia (comprising Norfolk [North-Folk], Suffolk [South Folk] and Cambridge), founded by the Angles under Uffa, 575 A. D.
- VII. Mercia (composed of what are now the midland counties), founded by the Angles under Crida, 582 A. D.

The three principal kingdoms which contended for supremacy were Northumbria, Mercia and the West Saxons.

Early Anglo-Saxon Leaders. From time to time during the Anglo-Saxon period, leaders would appear who, from their ability, would be regarded by the kings of the other tribes of the Heptarchy as chief among them. The term of "bretwalda" is sometimes used to distinguish them,

but it is questionable just what power this term implies. The Anglo-Saxon Chronicle gives the list of seven kings, prior to Egbert, who "were sovereigns of all the British dominions," and while they might have been elected as generals over all the other kings of the Heptarchy, yet they certainly did not possess the power now expressed by the word sovereignty: (1) Ella, king of the South-Saxons; (2) Ceawlin, king of the West-Saxons; (3) Ethelbert, king of Kent; (4) Redwald, king of the East-Angles; (5) Edwin, king of the Northumbrians; (6) Oswald, king of the Northumbrians; (7) Oswy, the brother of Oswald.

SOVEREIGNS OF ENGLAND.

(General Note—The ascertainment of exact dates is difficult, if not impossible, in a number of instances, for many reasons. Particularly is this true of the regnal dates, and of dates generally, in the earlier periods. Indeed the difficulties incident to the exact computation of dates extend to a comparatively late period when it is considered that the Gregorian Calendar was not adopted in England until 1752, and that even in the Middle Ages ecclesiastical and local methods were in use beside the Julian Calendar and the Christian Era. There are apparently conflicting statements, particularly by the older chroniclers, which cannot now be reconciled. Added to these difficulties, different ideas, usages and laws prevailed at different periods in regard to the beginning of a reign.)

Anglo-Saxon (Saxon) Kings.

Note—Dates given for this period cannot always be stated with historical accuracy. The authorities, from which our knowledge of this period is gleaned, such as

the Anglo-Saxon Chronicle, Bede and others, do not give us the certainty desired as to date of the occurrences mentioned and described by them. Nor do they give us a full account of the happenings of the times, so that in many instances we are obliged to draw our own conclusions, or inferences, as to the effects of the facts they have stated.

There were, no doubt, periods of time when the struggles for supremacy may have caused interregnums, or divided authorities, but the exact effects of which are hard to determine.

Thus, if we regard Ethelbald and Ethelbert as reigning together, the one over the one part of the kingdom of Ethelwolf, the other over the other part, with equal sovereign power, we have Ethelbald-Ethelbert, 858 to 860; Ethelbert, 860 to 866; that is, Ethelbert would begin his joint reign with Ethelbald in 858, his sole reign in 860. If we regard Ethelbald as taking the chief sovereignty from his father, Ethelwolf, and Ethelbert as taking a part of the kingdom without full regal power, we have Ethelbald 858-860. So, it may be noted, Ethelred II fled from his kingdom in 1012 or 1013, and some contend this was an abdication which continued until he returned, or was restored, in 1015. As Sweyn had received the submission of most of the nobles and was virtual king, it is difficult to decide whether Sweyn should be recognized as a king or simply as an usurper. From more modern usage it is thought that he should be regarded in the latter light, although he actually set up a rival throne which continued for six or eight weeks, from December, 1013, until his death in February, 1014.

There is also the difficulty experienced in the Harold and Hardicanute reigns as to the dates to be assigned.

As for the actual difference in dates given by different authorities, it is to be noted that some claim Egbert died in the years 836, others that he died in 837, and still others assert that his death took place in 839. Edwy's death is fixed in the year 957, and also in the year 959. Alfred's death is placed either in 899, 900 or 901.

It will be seen from the above that there is great difficulty attending the fixing of the dates of this period.

It must also be remembered that the idea that there would be no vacancy in the throne did not grow up until a much later period after the Anglo-Saxon times and that kingship was considered at first as an elective office and that the custom grew to give it to the son of the deceased monarch. Just when this custom became, in effect, a binding rule it is hard to determine, but it must have had such force shortly after the time of Egbert.

Egbert—A. D. 827-836 (or 837 or 839).

Ethelwolf—A. D. 836-858 (or 857).

{ Ethelbald—A. D. 858-860.

{ Ethelbert—A. D. 860-866.

Ethelred—A. D. 866-871 (or 872).

Alfred (the Great)—A. D. 871-901 (or 899 or 900).

Edward I (the Elder)—A. D. 901-925.

Athelstan—A. D. 925-941 (or 940).

Edmund—A. D. 941-946 (or 947).

Edred—A. D. 946-955.

Edwy (Edwin)—A. D. 955-959.

Edgar—A. D. 959-975.

Edward II (the Martyr)—A. D. 975-978.

Ethelred (the Unready)—A. D. 978-1016.

Edmund Ironside—A. D. 1016-1016.

Danish Kings.

Canute—A. D. 1016-1035 (or 1036).

Harold I (Harefoot)—A. D. 1035-1040 (or 1039).

Hardicanute—A. D. 1040-1042 (or 1041).

Anglo-Saxon Line (Restored).

Edward (the Confessor)—A. D. 1042-1066.

Harold II—A. D. 1066—October 14, 1066.

SOVEREIGNS OF ENGLAND.

(From the time of the Norman Conquest.)

Note—The ascertainment of regnal dates is important in English history. Not only is it interesting to know the exact time of the beginning of a reign, but it is essential in considering the statutes of the realm, which are dated by the method of computing their enactment from the beginning of a sovereign's rule. It is said that Richard I was the first English king to use this method.

Every regnal year is in part of two calendar years unless the accession takes place on the first day of January (which it has never done as yet) when the regnal and calendar years coincide in so far as the regnal year will begin and end with the calendar year, or unless the regnal year has been cut short by death, or other cause, before going from one calendar year into another. Thus the first regnal year of Edward VII began on 22 January, 1901, and ended on 21 January, 1902.

Different customs, usages and laws prevailed at different times for determining the beginning of a reign as well as for determining the one entitled by hereditary right subject to the election by the great men and magnates of the nation.

In the earlier times, an ecclesiastical ceremony, a "crowning," or coronation, was considered necessary to the institution of a reign and was supposed to represent the consent of the kingdom on an elective principle.

The period between the death of a king and the coronation of his successor was a period of great unrest and was considered in the nature of an interregnum. This continued from the time of William I to that of Henry III. Henry III died on 16 November, 1272, while his son Edward was abroad. On the burial of the king (20 November, 1272), the barons and magnates swore fealty to Edward at Westminster and while the new king did not return until 2 August, 1274, and was not crowned until 19 August, 1274, yet his regnal years date from 20 November, 1272. In this case the hereditary idea may be believed to have obtained greater recognition and importance. Still the elective principle is fully shown for it was said of his successor, Edward II, that he succeeded to the throne not so much by hereditary right as by the unanimous consent of the nobles and great men (*"non tam jure haereditario, quam unanimi assensu procerum et magnatum"*).

From the death of Edward I to the time of Henry VIII, the beginning of a reign was fixed upon as the day following the death, or deposition, of the preceding sovereign. The circumstances surrounding the accessions of Edward III, Edward IV, Edward V and Henry VII render them exceptions.

The doctrine that the throne goes by the strict rule of descent in so far as the time of the vesting of the title is concerned, the right of succession being based on constitutional principles of which the Act of Settlement is

an example, and that there shall be no hiatus in the sovereignty—no interregnum—has been long established and is expressed by the legal maxim, “The King never dies” (*“Rex nunquam moritur”*).

This usage has come down from the accession of Edward VI and was legally approved by a decision, or resolution, of the barons and judges in passing upon the Statute of 1 Edward VI, Chap. 7, in the first (regnal) year of the reign of Queen Elizabeth. They stated, “The King who is heir, or successor, may write and begin his reign the same day that his progenitor, or predecessor, died.”

A good illustration of this doctrine is found in the case of the period of the Commonwealth (1649-1660), which is sometimes styled an interregnum, although the judges under Charles II decided that he was the king during this time in fact, as well as in law, because as the English law recognized no other sovereign power than that of the king, any intervening administration was illegal and void. From this reasoning it followed that the statutes passed during the first year after the restoration of Charles II are quoted as acts passed in the twelfth year of his reign. While the reasoning that Charles II was, during this period, king *de jure* might be plausible, it is hard to understand that he was king *de facto*.

It may be well to note, in connection with the following table, a few facts connected with the chronology of certain of the reigns:

The beginning of the reign of William the Conqueror has occasioned much discussion. Some contend that it began on the date of the Battle of Hastings (or’ Battle of Senlac Hill, as it is also called), which took place on

14 October, 1066. Others believe it should be reckoned, according to the ideas then prevailing and that William himself, by his formal coronation on 25 December, 1066, showed that it was his intention to reign not as conqueror but as lawful successor.

Henry the Younger. Henry II had his eldest son Henry crowned as king and invested with the royal dignity at Westminster on 15 June, 1170, by Roger, Archbishop of York, and some of the older writers speak of the young prince as Henry III, or Henry the Younger.

The coronation greatly offended the French king, Louis VII, whose daughter, Margaret, had been married to the young king at an early age, for Louis thought she (Margaret) should have been crowned as queen at the same time. It also offended Becket, who claimed that he should have crowned the new king as this was one of the prerogatives of the See of Canterbury.

In the year 1173, King Henry II had both Henry and Margaret crowned in order to satisfy the French king.

As Henry II was so often away from England it is believed that he had his eldest son crowned for two reasons, the first being in order to firmly establish his right of succession and the second to enable this young prince to act as vice-regent, or deputy king, in his father's absence.

Henry the Younger was born in A. D. 1155 and predeceased his father, dying in the year A. D. 1183.

Matilda, or Maud, "the Empress," daughter and heir of King Henry I, was married to Henry V of Germany, who thereafter became Emperor of the Romans, whence Matilda was styled Empress. The Emperor dying A. D. 1125, Matilda returned to the court of her father, and was married, A. D. 1128, to Geoffrey (Plantagenet).

son of Fulk, Count of Anjou. This match was extremely unpopular owing to the long enmity which had existed between Normandy and Anjou.

Shortly after this marriage, Fulk accepted the throne of Jerusalem and Geoffrey became Geoffrey IV, Count of Anjou.

Upon Matilda's return to England, Henry caused his magnates (among whom was his nephew Stephen, Count of Boulogne, and afterwards King Stephen) to swear allegiance and fealty to the Empress as his successor and in the year 1133, after the birth of Henry (called Fitz-Empress, afterward Henry II), he obliged the leading men of the kingdom to take the oath of fealty to his daughter and his little grandson as his successors.

Stephen, coming to England upon Henry's death, was elected and, on 26 December, 1135, was crowned king. Matilda, landing in England 30 September, 1139, commenced an active contest for the throne, based upon her right as the daughter and only heir of Henry I and upon the fact that allegiance had already been sworn to her by the representatives of the nation.

On the 2 and 3 March, 1141, she was received by the high dignitaries of the Church at Winchester and on the 7 and 8 April, 1141, she was elected "*Domina Anglorum*" ("*Lady of the English*"). It is supposed that she was not crowned at this time owing to the idea that a formal coronation would thereafter be had at Westminster. After a protracted civil war, Matilda left the country in the year 1148, but it was not until the treaty between Henry and Stephen (7 November, 1153) that peace was restored to the kingdom. Matilda, however, during her stay had issued a number of charters and grants and had otherwise

acted as a sovereign and was so regarded by the western counties for a portion of that time, so that, while she may not be ranked as one having reigned, she may be mentioned as having acted a royal part in those troublous times. She died 10 September, 1167.

It may be well to note that the name of Matilda was a favorite one and that a number of famous women bore it:

Matilda (died 3 November, 1083), daughter of Baldwin V, Count of Flanders, was the wife of William the Conqueror.

Matilda, "Good Queen Maud" (died 1 May, 1118), daughter of Malcolm III, King of Scotland, and niece of Edgar Atheling, was the first wife of Henry I. She was christened Edith but, after her marriage to Henry, was known by the Norman name of Matilda, or Maud.

Matilda, or Maud (died 3 May, 1152), daughter of Eustace III, Count of Boulogne, was the devoted wife of King Stephen and energetically aided him in his struggle with Matilda the Empress.

Matilda, daughter of Henry II, was born in the year 1156, and became the wife of Henry the Lion, Duke of Saxony. She died 28 June, 1189.

John. The dates of the regnal years of King John require special notice. The reign of this king commenced on Ascension Day, 27 May, 1199. As this is a movable feast and as the time was calculated as of such holy day, the length of the regnal years of this reign varied so that some confusion consequently resulted. The complete table of such years is here inserted, each year being from Ascension Day to the eve of the following Ascension Day:

1. 27 May, 1199—17 May, 1200.
2. 18 May, 1200— 2 May, 1201.
3. 3 May, 1201—22 May, 1202.
4. 23 May, 1202—14 May, 1203.
5. 15 May, 1203— 2 June, 1204.
6. 3 June, 1204—18 May, 1205.
7. 19 May, 1205—10 May, 1206.
8. 11 May, 1206—30 May, 1207.
9. 31 May, 1207—14 May, 1208.
10. 15 May, 1208— 6 May, 1209.
11. 7 May, 1209—26 May, 1210.
12. 27 May, 1210—11 May, 1211.
13. 12 May, 1211— 2 May, 1212.
14. 3 May, 1212—22 May, 1213.
15. 23 May, 1213— 7 May, 1214.
16. 8 May, 1214—27 May, 1215.
17. 28 May, 1215—18 May, 1216.
18. 19 May, 1216—19 October, 1216 (death of John).

Henry VI was deposed by Edward IV on 4 March, 1461. In October, 1470, Henry regained possession of the throne and resumed the legal title, so from 9 October, 1470, until April, 1471, he might be considered as again being king. After Edward IV repossessed himself of the kingdom, he continued to reckon his reign from 4 March, 1461.

Lady Jane Grey is not generally mentioned as having reigned as queen, since her accession of royal power was treated as an usurpation. If, however, it is considered that she is to be regarded as having wielded the royal power and entitled to be classified as sovereign, we have—

Jane—Began 6 July, 1553; ended 19 July, 1553.

James II endeavored to leave England 11 December, 1688, but was intercepted. Upon his second attempt, he was allowed to depart from the kingdom on 23 Decem-

ber, 1688. These are generally referred to as the first and second flights of James.

In the settlement of the government thereafter, the constitutional question whether the actions of the king constituted an abdication was keenly debated. The House of Lords took the position that there had not been an "abdication" for, if it were declared so to be, there would be an interregnum which was not in accordance with constitutional principles as then established.

On the other side, it was argued that, in order to elect William and Mary (since William refused to act as Regent), the throne would have to be vacant for, if there had been no abdication there could be no vacancy.

Owing to the exigencies of the case, and in order not to delay the settlement of the government, it was finally agreed to treat the actions of James as an abdication of the sovereignty, so that the end of this reign is now fixed as of 11 December, 1688.

The beginning of the reign of William and Mary is determined by their acceptance of the Declaration of Rights passed by the Convention which took place on 13 February, 1689.

William III commenced to reign alone upon the death of Mary, his wife, with whom he had reigned as William and Mary. When they ascended the throne, it was agreed that they should reign jointly, but that the actual administration of affairs should be vested in William. Mary died on 28 December, 1694, and it was determined that 27 December should close his sixth regnal year as William and Mary, and that the 28 December should begin his seventh regnal year, which was in reality the beginning of his sole reign as William III. This calculation shows

the necessity of remembering the exact date of the beginning of a reign. The first regnal year of William and Mary commenced on 13 February, 1689, and ended on 12 February, 1690. The sixth regnal year of these sovereigns began on 13 February, 1694, and, if Mary had lived, would not have closed until 12 February, 1695.

George I (Guelph) belonged to the Hanoverian dynasty (or, as some prefer to call it, the Brunswick line) of English kings. He was the son of Sophia, Electress of Hanover, who was the daughter of Elizabeth, Queen of Bohemia. Elizabeth was the daughter of James I, so that George I was the great-grandson of the first Stuart king.

By the Act of Settlement (12 and 13 William III, Chap. 2), the throne went to Anne and, in the event of her dying without issue surviving her, to the Electress Sophia and "the heirs of her body."

The Electress predeceased Queen Anne, so that upon the latter's death George ascended the throne. The thrones of England and of Hanover were separated upon the death of William IV and the accession of Queen Victoria to the English throne on 20 June, 1837.

Edward VII (Wettin) was of the line of Saxe-Coburg and Gotha, his father, the prince consort, having been a prince of that house. Dynastically, however, Edward VII and George V should be considered as belonging to the Hanoverian dynasty.

George V. At a special meeting of the Privy Council, followed by a Royal Proclamation, the King, on 17 July, 1917, adopted the name of "Windsor" for that of the royal house. Windsor, as a fortress, a castle and a residence, has been closely associated with the history of the nation and of the sovereigns and their families from

Norman times, so that the selection of this name seems eminently suitable, more particularly when it is remembered that many English surnames are derived from the estate, or place of residence, of the owner.

Norman.

William I (the Conqueror)—Began 25 December, 1066; ended 9 September, 1087.

William II (Rufus)—Began 26 September, 1087; ended 2 August, 1100.

Henry I (Beauclerc)—Began 5 August, 1100; ended 1 December, 1135.

Stephen (of Blois)—Began 26 December, 1135; ended 25 October, 1154.

Plantagenet (or Angevin).

Henry II (Curt Mantel)—Began 19 December, 1154; ended 6 July, 1189.

Richard I (Coeur de Lion)—Began 3 September, 1189; ended 6 April, 1199.

John (Lackland)—Began 27 May, 1199; ended 19 October, 1216.

Henry III (Winchester)—Began 28 October, 1216; ended 16 November, 1272.

Edward I (Longshanks) — Began 20 November, 1272; ended 7 July, 1307.

Edward II (Caernarvon)—Began 8 July, 1307; ended 20 January, 1327.

Edward III (Windsor)—Began 25 January, 1327; ended 21 June, 1377.

Richard II (Bordeaux)—Began 22 June, 1377; ended 29 September, 1399.

Lancaster.

Henry IV (Bolingbroke)—Began 30 September, 1399; ended 20 March, 1413.

Henry V (Monmouth)—Began 21 March, 1413; ended 31 August, 1422.

Henry VI (Windsor)—Began 1 September, 1422; ended 4 March, 1461.

York.

Edward IV—Began 4 March, 1461; ended 9 April, 1483.

Edward V—Began 9 April, 1483; ended 25 June, 1483.

Richard III—Began 26 June, 1483; ended 22 August, 1485.

Tudor.

Henry VII (Tudor)—Began 22 August, 1485; ended 21 April, 1509.

Henry VIII—Began 22 April, 1509; ended 28 January, 1547.

Edward VI—Began 28 January, 1547; ended 6 July, 1553.

Mary—Began 6 July, 1553; ended 24 July, 1554 (marriage with Philip, 25 July, 1554).

Philip and Mary—Began 25 July, 1554; ended 17 November, 1558, by death of Mary.

Elizabeth—Began 17 November, 1558; ended 24 March, 1603.

Stuart.

James I—Began 24 March, 1603; ended 27 March, 1625.

Charles I—Began 27 March, 1625; ended 30 January, 1649.

The Commonwealth—Republic established at death of Charles I, 30 January, 1649; Oliver Cromwell made Protector, 16 December, 1653; Oliver Cromwell died 3 September, 1658, and was succeeded by his son, Richard Cromwell, who was proclaimed Protector, 3 September, 1658; Richard Cromwell abdicated, 25 May, 1659; monarchy restored, 8 May, 1660; Charles II entered London, 29 May, 1660.

Charles II—Began 30 January, 1649; ended 6 February, 1685.

James II—Began 6 February, 1685; ended 11 December, 1688.

William and Mary—Began 13 February, 1689; ended 27 December, 1694 (death of Mary, 28 December, 1694).

William III—Began 28 December, 1694; ended 8 March, 1702.

Anne—Began 8 March, 1702; ended 1 August, 1714.

Hanover (or Brunswick).

George I—Began 1 August, 1714; ended 11 June, 1727.

George II—Began 11 June, 1727; ended 25 October, 1760.

George III—Began 25 October, 1760; ended 29 January, 1820.

George IV—Began 29 January, 1820; ended 26 June, 1830.

William IV—Began 26 June, 1830; ended 20 June, 1837.

Victoria—Began 20 June, 1837 (married to Albert, Duke of Saxony and Prince of Saxe-Coburg and Gotha, on 10 February, 1840; Albert was ordered to be styled "Prince-Consort" on 25 June, 1857; he died 14 December, 1861); ended 22 January, 1901.

Edward VII—Began 22 January, 1901; ended 6 May, 1910.

George V—Began 6 May, 1910; became

Windsor.

George V—17 July, 1917; ended —————.

APPENDIX

Money and Monetary System.

Monetary values are reckoned in Pounds, Shillings and Pence, the abbreviations being derived from the Latin words *libra*, *solidus* and *denarius*. Thus we have “£” for Pounds, “s” for Shillings, “d” for Pence, from the first letter of the Latin words.

The Penny is divided into Farthings, whose symbol is “far.”

Table.

4 Farthings (far.) = 1 Penny (d).

12 Pence = 1 Shilling (s).

20 Shillings = 1 Pound Sterling (£).

The Pound is often called, colloquially, Sovereign.

In Great Britain the money is metallic, paper money being issued by banks. Gold is the standard, the Pound Sterling is the unit. Other coins are also minted in silver and bronze.

In certain large transactions the values are reckoned in Guineas, a Guinea being equivalent to 21 Shillings.

A Crown is a silver coin equivalent to 5 Shillings, while a Florin is worth 2 Shillings.

The following table of former coins and values may prove useful to the reader of history, but it is to be recollected that the exact values differed at different times and their purchasing power differed: 1 Groat = 4d; 1 Tester = 6 d; 1 Noble = 6s. 8d; 1 Angel = 10s; 1 Mark = 13s. 4d; 1 Jacobus = 23s; 1 Carolus = 25s; 1 Broad = £3 12s.

India has a currency system of its own, as have Canada and certain of the other dominions of the Empire.

SOVEREIGNS OF SCOTLAND.

(From Malcolm III, Canmore, to James VI of Scotland.)

Malcolm III.....	1057-1093
Donald VII.....	1093-1098
Duncan II.....	1094-1095
Edgar	1098-1107
Alexander I.....	1107-1124
David I.....	1124-1153
Malcolm IV.....	1153-1165
William I (the Lion).....	1165-1214
Alexander II.....	1214-1249
Alexander III.....	1249-1286
Margaret	1286-1290
John (Baliol).....	1292-1296
Interregnum	1296-1306
During which Wallace was regent.....	1297-1298
Robert I (Bruce).....	1306-1329
David II.....	1329-1371
Robert II (Stuart).....	1371-1390
Robert III.....	1390-1406
James I.....	1406-1437
James II.....	1437-1460
James III.....	1460-1488
James IV.....	1488-1513
James V.....	1513-1542
Mary	1542-1567
James VI began to reign 24 July, 1567, and ascended the English throne 24 March, 1603.	

THE DUKES OF NORMANDY (to the Norman Conquest).

The Northmen began to invade Gaul in A. D. 799. Hrolfr, or Rollo (the Ganger), the son of Rognwald, Jarl of Mori in Norway, entered France by way of the Seine in the year 876. Rollo obtained the grant of Normandy

to be held directly as a fief of the king, from Charles III (the Simple) of France by the Treaty of Clair on Epte in the year 911, and thus became the first Duke of Normandy. He married Gisela, the daughter of Charles. In the year 927 he abdicated and died A. D. 932.

Rollo	912- 927
William I (Longsword).....	927- 942
Richard I (the Fearless).....	942- 996
Richard II (the Good).....	996-1026
Richard III	1026-1028
Robert	1028-1035
William the Conqueror (King of England A. D. 1066).....	1035-1087

The Cinque Ports were originally the five seaports of Hastings, Romney, Hythe, Dover and Sandwich. To these were added the towns of Winchelsea and Wye. They were a corporation to themselves, had broad governing powers, and, under their lord warden, were supposed to protect the southern seacoast, and indeed to furnish the navy for the nation.

The institution of the Cinque Ports existed from Anglo-Saxon times and was fully recognized by a charter granted to them by Edward I. Their charter rights were surrendered to the Crown in 1685, and their privileges were practically abolished in the years 1832 and 1835.

“**The Three Estates of the Realm**” are (1) the Lords Spiritual, (2) the Lords Temporal and (3) the Commons.

“In England where the clergy have been esteemed one estate, the peers of the realm the second estate and the commons of the realm, represented in Parliament by persons chosen by certain electors, a third estate.”

Seals. The use of a Great Seal in England may be said to date from the reign of Edward the Confessor, who was a great admirer of French customs and who established the use of such a seal, taking as its model that of Henry I of France (A. D. 1031-1060).

After the Conquest seals gradually came into general use. The nobles were trained to war and left the art of writing to the monks and scribes, so that the seal became the means, and generally the only means, to execute a charter or to represent the authenticity of a letter, or other document.

The study of seals furnishes valuable historical data and is often the only method by which paleographers determine the date or the authenticity of a document.

The word "seal" is generally used to denote: (1) the impression on wax, or on some similar substance, of a design, armorial or otherwise; (2) the instrument by which the impression is made, and sometimes (3) the design only, but, technically speaking, the seal is (1) the wax, or similar substance, containing the design as impressed upon it by (2) the engraved die (matrix).

Where there are two sides to a seal (as in the case of the Great Seal) the upper, or front, side is known as the "obverse," while the lower, or under, side is called the "reverse," or "counterseal."

The general rule is that the "throne" side of the Great Seal is the obverse, while the "equestrian" side is the reverse, or counterseal; the exception to the rule being the Great Seal of William the Conqueror.

Shires and Counties. In Anglo-Saxon times, England was divided into shires which were governed by earldormen under the king in whose dominion the shire was

located. The practical business of administration was left to the shire-reeve. From these words "earldormen" and "shire-reeve" we have derived earl and alderman (earldormen) and sheriff (shire-reeve). The Normans called these divisions counties and changed the name of earl to that of count, since restored to earl. But the term shire was still used, and is to the present day, although these local divisions are, as a rule, denominated counties in official communications, and we find Henry VIII dividing Wales into twelve shires (34 & 35 Henry VIII, Chap. 26). Local government in the counties, or shires, has been greatly changed by the Local Government Act of 1888 (51 & 52 Victoria, Chap. 41) as to England and Wales. Local customs of Anglo-Saxon and feudal times still survive in many places and have given rise to the old legal maxim, "*Consuetudo manerii et loci observanda est*" (The custom of the manor and of the locality should be regarded).

The County of Durham retained its general palatine jurisdiction until the year 1836, when it became vested in the Crown by 6 William IV, c. 19.

The dates of the formation of the various counties differ and their beginnings must be sought in their local histories. Thus, the old Anglo-Saxon kingdoms of the East Saxons (Essex), the West Saxons (Wessex), Kent, and other old tribal divisions have left their names to mark their locations, while others, such as Leicestershire and Nottinghamshire, were erected by King Alfred in the ninth century. Some counties were of a much later date, as in the case of Lancashire, of Monmouthshire and of Rutland (vide, Domesday Book). England is divided into forty counties, or shires, some of which are them-

selves sub-divided for administrative purposes as in the case of Yorkshire, which contains the East Riding ("treding," "triding," or "thriding," meaning third), the West Riding and the South Riding, or as in the case of Cambridgeshire, the northerly portion thereof being known as the Isle of Ely. The City of London, which has enjoyed for many centuries its "liberties" under a long series of charters, always occupied an important position in the political life of the kingdom and had practically the status of a county in so far as local self-government was concerned. By the Local Government Act of 1888, above referred to, an area, comprising the City of London and certain portions of Middlesex, Surrey and Kent, was erected into the administrative County of London, of which the city itself became an electoral division. The derivation of the names of some of the shires are evident, as in the case of Wessex (the West Saxons), Essex (the East Saxons), and Northumberland (the land north of the Humber). The derivation, however, of some of the root words is often involved in doubt. A number of the counties were named from the chief town, or settlement, contained therein. The descriptive word, or syllable, shire, in the name of the counties, is frequently dropped in general use and sometimes such names are still further abbreviated.

England.

Bedfordshire, also called	Cheshire, or Chester.
Bedford, or Beds.	Cornwall.
Berkshire, or Berks.	Cumberland.
Buckinghamshire, Bucking-	Derbyshire, or Derby.
ham, or Bucks.	Devonshire, or Devon.
Cambridgeshire, or Cam-	Dorsetshire, or Dorset.
bridge:	Durham.
Isle of Ely.	Essex.

Gloucestershire.	Oxfordshire.
Hampshire, or Hants:	Rutlandshire, or Rutland.
Isle of Wight.	Shropshire, or Salop.
Herefordshire, or Hereford.	Somersetshire.
Hertfordshire, or Herts.	Staffordshire.
Huntingdonshire, Hunting-	Suffolk:
don, or Hunts.	East Suffolk.
Kent.	West Suffolk.
Lancashire, or Lancaster.	Surrey.
Leicestershire.	Sussex:
Lincolnshire:	East Sussex.
Lindsay.	West Sussex.
Kesteven.	Warwickshire.
Holland.	Westmoreland.
London (City, Admin. Co.).	Wiltshire, or Wilts.
Middlesex.	Worcestershire, or Worces-
Monmouthshire.	ter.
Norfolk.	Yorkshire:
Northamptonshire:	East Riding.
Soke of Peterborough.	West Riding.
Northumberland.	North Riding.
Nottinghamshire, Notting-	
ham, or Notts.	

Wales.

Anglesey.	Denbighshire.
Brecknockshire, or Brecon.	Flintshire.
Cardiganshire.	Glamorganshire.
Caermarthanshire, or Car-	Merionethshire.
marthenshire.	Montgomeryshire.
Caernarvonshire, or Car-	Pembrokeshire.
narvonshire.	Radnorshire.

Scotland.

The division of Scotland into counties, or "shires," of definite boundaries, particularly in the Highlands, was of

comparatively recent date; the causes for which are readily seen when we consider the history of the country. As noted in regard to the English counties (and as applicable also to the Welsh counties), the suffix "shire" is frequently omitted even where the county capital has the same name without the suffix. It is also to be noted that some cities have the status of counties for certain purposes.

Aberdeenshire.	Kincardineshire.
Argyllshire.	Kinross.
Ayrshire.	Kirkeudbrightshire.
Banffshire.	Lanarkshire.
Berwickshire.	Linlithgowshire (West Lo-
Buteshire.	thian).
Caithness.	Nairnshire.
Clackmannan.	Orkney.
Dumbartonshire.	Peeblesshire.
Dumfriesshire.	Perthshire.
Edinburgh, Edinburghshire	Renfrewshire.
(Midlothian).	Ross and Cromarty.
Elginshire.	Roxburghshire.
Fifeshire.	Selkirkshire.
Forfarshire.	Shetland.
Haddingtonshire (East Lo-	Stirlingshire.
thian).	Sutherland.
Inverness.	Wigtownshire.

Ireland.

Ireland is divided into four provinces and thirty-two counties.

Leinster.

Carlow.	Kilkenny.
Dublin.	King's County.
Kildare.	Longford.

Louth.	Westmeath.
Meath.	Wexford.
Queen's County.	Wicklow.

Munster.

Clare.	Tipperary (divided into two
Cork.	Ridings).
Kerry.	Waterford.
Limerick.	

Ulster.

Antrim.	Fermanagh.
Armagh.	Londonderry, or Derry.
Cavan.	Monaghan.
Donegal.	Tyrone.
Down.	

Connaught.

Galway.	Roscommon.
Leitrim.	Sligo.
Mayo.	

The Peerage. The nobility is divided into the five following ranks, the highest being that of Duke: (1) Duke, (2) Marquis, (3) Earl, (4) Viscount, (5) Baron. The title of Baronet is one of distinction but not of nobility.

The House of Lords, as composed of the nobility, has played such an important part in the constitutional history of England that some account of its membership (the hereditary peerage) should be given here.

The titles of nobility as now recognized, as well as the nature of the dignities they represent, are all post-con-

quest and are a result of feudal ideas modified by constitutional development.*

The *Concilium* of the Norman kings was composed of those who held of them by feudal tenure and who sat as *barones regis*—as *tenants in capite*. The basic idea of tenure, and the consequential duties of the baron to the king, qualified a baron for membership in the Great Council wherein all who sat did so by virtue of their being tenants-in-chief of the sovereign.

Then there began to arise a modification to this right, based on tenure only, in the idea that the king should notify by writ those whom he wished to attend him in his *commune concilium*. The Magna Charta of King John (Chapter 14) shows the establishment of the writ principle which becomes firmly fixed by the end of that century when it has entirely supplanted the theory that

*It should be noted that authorities differ greatly on many matters connected with English mediaeval history, and this is marked in the question as to the amount of influence exerted by Anglo-Saxon customs and institutions upon the Anglo-Norman government and laws.

The prevailing doctrine now is that the feudal system introduced by William I wrought a great and decided change and that the resultant Anglo-Norman government differed widely from its predecessor so that the House of Lords as a successor of the "curia" and "concilium" of the earlier Norman kings was based on tenure and was thus separated from the Witenagemont, from which it is distinct. However, there is great diversity of opinion on this difficult subject and some scholars trace in the Anglo-Saxon customs and laws the beginnings of feudalism in England before the Conquest.

The Anglo-Saxons recognized certain ranks, but these were not as sharply marked as under the Normans and differed in many ways. It may be stated that from a social standpoint the Anglo-Saxon ealdorman, thane, theoden (or lesser thane), churl, occupied the relative standing of the Norman count ("comes" or earl), baron, vavassor, villein, although the idea is also held that the Saxon ealdorman more closely resembled the Norman duke and the Saxon thane, the Norman knight. But, as stated above, the feudal system introduced by William the Conqueror must be regarded in any consideration of this kind as it became the basis of the social relations of the nation and of the early establishment of ranks in England after the Conquest. Of course, this is a general rule for a number of Anglo-Saxon customs, laws and institutions continued to exist (notably in the case of the shire organization) and certain officials continued to exercise their functions (as in the case of the sheriff) so that in such instances the legal system of the Anglo-Normans followed and was based upon that of the Anglo-Saxons, subject only to such changes as were a necessary consequence of a conflict between the former government and the feudal system.

tenure alone gives right, *ex debito justiciæ*, to a tenant by barony to be summoned to Parliament. Barons by Tenure still continued to sit rather as under the Writ of Summons, but the tenorial feature may be seen even at the present day in the hereditary principle of the House of Lords.†

(1). **Duke.** This dignity was not bestowed in England until the year 1337, when Edward III created his son, Edward the Black Prince, Duke of Cornwall. Although William the Conqueror was Duke of Normandy by hereditary tenure, he did not confer this title, possibly because he did not wish to create a class of nobility which might assume the continental feudal idea of the traditional prerogatives of such a high degree of dignity, and would thereby interfere with the form of government and of monarchy which he desired to establish. While the word “dux” (whence, “duke”) was known to the Anglo-Saxons, it was used by them in its more classical sense of “military leader.”

(2). **Marquis (or Marquess).** This title was first conferred as an English dignity by Richard II upon Robert de Vere, Earl of Oxford, who, on 1 December, 1385, was made Marquis of Dublin. John de Beaufort, Earl of

†The use of the word “Parliament” to denote an official legislative assembly was first used in the reign of Henry III to describe a large meeting at London, and thereafter was applied to the meetings of the Estates of the Realm.

The term “Peer” to denote nobility, and so to describe Barons and Earls (the only two ranks of nobility at that time), was first used in the case of the award of exile against Hugh le Despencer and his son in the year 1321 (14 Edward II). As thus used, it is said to mark the date of the beginning of a legal peerage. The term (from Latin “par,” meaning equal) had been theretofore used in the sense of equality between individuals of a class as illustrated by its use in Magna Charta (Chap. 29) “nisi per legale iudicium parium suorum.” Its restricted use in the year 1321 was practically to designate officially the Barons and Earls as the Peers and to confine it to the nobility as a distinctive term for rank as in the expression, “Peers of the Realm.”

When dukedoms, marquises and viscounties were created they became part of the peerage and their holders took their seats in Parliament as Peers.

Somerset, was created Marquis of Dorset on 29 September, 1397.

The name of this dignity is derived from "marchio," a mark, or frontier, and the wardens, or governors, of the frontiers of Wales and Scotland were known as the lords-marchers. But the title in England seems rather to have derived its origin from the continental idea of such rank, and was regarded at first as a foreign one.

(3). **Earl.** From the time of the Conquest until the reign of Edward III, this title designated the highest hereditary dignity of the kingdom. The Anglo-Saxon earldorman, or ealdorman, was the administrative head of a shire, or county, and under him was the shire-gerefa. William did not abolish all Anglo-Saxon customs and institutions, but he changed and modified them by the introduction of a strong monarchical government based upon the feudal system so that there was a radical and marked difference between Anglo-Saxon and Anglo-Norman England.

In Normandy and France, he who had charge of a county was called "count," and under him, in the practical administration of his county, was the viscount. The word "comes" was used by the Anglo-Saxon in his Latin writings to designate the earldorman (in later Anglo-Saxon times called "earl"), and as this Latin word ("comes") was used on the continent for "count," it is readily seen that there was a similarity of name as well as of rank.* In like manner the "vice-comes" in France

* "Comes" (Latin, a friend, an associate) was applied in early times in France to a friend, or companion, of the sovereign and the term "comites" became applied to those friends of the king who held the chief places by reason of royal grant. In other words, the counts were so called because they were the attendants of the king and were supposed to have received, or to hold, their rank by this personal relationship, as well as by the reciprocal duties attendant upon their lands and offices.

was the viscount, while in England the word designated, and continued to designate, the sheriff. William I granted the earldoms of the Saxons to his Norman followers who were bound to him by feudal tenure, but it is difficult to define these earldoms and to trace the exact powers conferred upon the holders. William did not wish such a powerful hereditary class as would interfere with his ideas of sovereignty so that he may have granted them under the exigencies of the case and in order to continue the fixed form of government, trusting in the feudal ideas he had established to restrain their influence. The palatine earls created by William, with their vice-regal power, may seem a contradiction to this polity, but it is now recognized that these jurisdictions were created for the purpose of strengthening such dignitaries in their authority so as the better to enable them to protect the kingdom on its frontiers.

Thus, the Earldoms of Chester and Shropshire (although it is questioned whether the latter had full palatine jurisdiction) guarded England from the Welsh; Durham acted as a bulwark against the Scots; Kent could watch for the French.

In the old days, although the earldom was hereditary, there was also an investiture by the girding on the sword which was usually accompanied by the grant of one-third of the profits of the county court, called "the third penny of the pleas" (*denarius tertius comitatus*).

The earl usually took his style from the name of the county where his chief castle, or most of his lands, was situated, or from the chief town of such county, and, in a few instances, from his castle and from his family name. Titles did not have a fixed style for some time after the

Conquest, and frequently the same earl would be designated by different names. Hereditary surnames did not begin to appear in England until after the Conquest and did not assume a fixed form until about the middle, or latter part, of the thirteenth century. The title of "*Comes*" is therefore regarded as part of the Christian name and it then became a matter of choice, or chance, as to whether the particular earl would be called simply by such name or would be individualized by an additional name, for if there were two earls having the same name it would become necessary to differentiate them. As stated above, this was generally done by adding the name of the county, but frequently the same earl was designated in different ways.

(4). **Viscount.** This rank, as an English title of nobility, was first conferred by Henry VI upon John Beaumont on 12 February, 1440, who thus became Viscount Beaumont. As heretofore stated, the Latin equivalent, *vice-comes*, was applied to the sheriff in England owing to his position as the active administrator of county affairs being considered analogous to that of the French viscount. The change is well expressed in the language of the old law writers, "*Post comites vicecomites ordine sequuntur. Viscounts nos vocamur. Haec vetus officii sed nova dignitatis appellatio, et H. 6, ad nos primum audita.*"

(5). **Baron.** This term, as a title of dignity, was of Norman origin and is the result of the introduction of the feudal system into England at the time of the Conquest. Indeed, the history of the evolution of the meaning of the word "baron" (from "baro," a man), from its specialized signification (in its relation to the sove-

reign), to its final application to denote a hereditary rank of the nobility, may be said to be a history of early feudalism in England in connection with the origin of Parliament, as well as of the early peerage.

It must be remembered that the word "baron" did not come to particularize exclusively the rank of nobility which it now describes until long after the Conquest, for the dignity itself was a development of feudal ideas along growing constitutional lines.

From its application to the tenants-in-chief of the king whose duty it was to attend the *commune concilium*, it thus represented the position of those who, by reason of their tenure of lands, were entitled to attend and, as "tenure" yielded to "writ," and "writ" to "patent," we trace the history of the present dignity in the growth of the Parliament.

It is thus readily seen how, in the early days, the word was used in a generic sense to designate the nobility generally, and how it could have been applied to describe the holders of certain great official positions, as in the case of the Barons of the Exchequer, or as in the case of the Barons of the Cinque Ports. It was used sometimes to distinguish the tenants-in-chief of the great earldoms, and the expression of "baron et feme" in law and heraldry still preserves the original meaning of the word.

Barony by Tenure. This term is applied to those early holders of lands who, by reason of being tenants-in-chief of the king and of holding directly of him, were supposed to form the *commune concilium* of the kingdom.

Those who held under another were obligated, under the feudal system, to render to their lord, counsel and advice as well as to perform other duties and service.

Consequently, the landholders who held their fiefs directly of the sovereign owed a duty arising from their tenure to attend the meetings of the Great Council, and so it followed that the tenure of land implied a position as baron arising from such relation to the king.

Gradually a distinction began to arise, and the greater and more important tenants-in-chief were designated as the *barones majores* to distinguish them from those of lesser estate—the *barones minores*. This division is clearly marked in the Magna Charta of King John (Chapter 14), wherein it is expressly stipulated that the *majores barones*, together with the archbishops, bishops, abbots and earls, were to be summoned singly when the common counsel of the kingdom was to be had by the king, thus distinguishing them from the other tenants-in-chief, or the lesser baronage. This chapter of the Great Charter also shows the recognition of the writ to Parliament which was to play such an important part in the constitutional history, concerning which mention has been heretofore made.

In the Fitzwalter Peerage Case, the nature of a barony by tenure was discussed before a meeting of the Privy Council, and it was then declared (16 January, 1607) that it “was found to have been discontinued for many ages and not in being and so not fit to be revived or to admit any pretence of right of succession thereupon.”

Barony by Writ. While Writs of Summons to Parliament were known before the Great Charter of John, and were mentioned therein, yet the Model Parliament of 1295 may be said to be the date which has been arbitrarily fixed as the time from which it may be considered that such a summons (and a sitting thereunder) created the

hereditary dignity of baron.* The dignity became a personal rather than a territorial one, but retained the hereditary principle incident to the latter.

The celebrated peerage case of the Barony of Clifton finally established the doctrine that baronies by writ were descendible. This was in the year 1674. The Abergavenny case (or Coke's interpretation of same) in the year 1610 established the principle "that the direction and delivery of a Writ of Summons does not make a baron or noble, until he comes to Parliament and there sit, according to the commandment of the writ. But if he is created by letters patent, he is a nobleman immediately."

Baronies by Writ have received their hereditary principle from constitutional custom for the writ itself contains no words of inheritance, and there is thus shown the tenurial principle. The dignity descends to the heirs general of the person first summoned.

Barony by Patent. The first known case of this dignity having been created by Patent was that of John de Beauchamp of Holt who, by Letters Patent of 10 October, 1387, was created Baron of Kyderminster by King Richard II, the words creating the dignity being: "*ipsum*

*The Writs of Summons varied slightly from time to time, and there was a difference between those directed to the archbishops, bishops and other ecclesiastics and those to the earls and barons. The clergy were commanded to attend "in fide et dilectione," while the lay dignitaries were summoned "in fide et homagio." The following is a general form of the old Writ addressed to the earls and barons, in mediæval Latin:

"Rex, dilecto et fideli suo—, salutem,

Quia super quibusdam arduis negociis, nos et regnum nostrum ac vos ceterosque proceres et magnates de eodem regno (tangentes), que sine vestra et eorum presencia nolumus expediri: parliamentum nostrum tenere, et vobiscum super hiis colloquium habere volumus et tractatum, vobis mandamus, in fide* et homagio quibus nobis tenemini, firmiter injungentes quod sitis ad nos apud Westmonasterium—die mensis—proximo futuro, vel saltem infra tertium diem subsequentem ad ultimum, vobiscum super dictis negociis tractaturi, et vestrum consilium impensuri. Et hoc nullo modo omittatis. Teste meipso apud etc."

Johannem in unum parium et baronum regni nostri Angliae praeficimus; volentes quod idem Johannes et haeredes masculi de corpore suo creantes statum Baronis obtineant ac Domini de Beauchamp et Barones de Kidderminster nuncupantur."

The dignity of Baron, as a distinctive rank of the nobility, as the term is now understood may be said to date from the creation of baronies by patent.

The next creation by patent occurred in the year 1433, when Henry VI made Sir John Cornwall, Baron of Fanhope, and the practice was fully established after the year 1446.

The patents were, at first, simple in form but subsequently became lengthy. They fixed the course of descent of the dignity which had to be in conformity with the requirements of law. Formerly, elaborate ceremonies of different forms were required in the cases of those elevated to the various dignities, but in 13 James I it was decided that the issuance of a patent was sufficient.

Peerage dignities from their having been originally annexed to lands are still classed in law as that subdivision of real property known as incorporeal hereditaments, although now they may be regarded as "little more than personal distinctions."

As has been stated above, the title of Baronet is one of distinction and of honor, but its holder is not entitled to a seat in Parliament and so is not of the nobility. It is, however, hereditary.

Baronet. The title of Baronet is one of distinction but not of nobility. It is personal and hereditary, and dates from the year 1611, when it was instituted by James I for the purpose of the settlement of Ulster. Sub-

sequently, he established the order of the Baronets of Ireland in the year 1619 for the same purpose and projected the institution of the Baronets of Scotland to aid in the settlement of Nova Scotia but, dying on 27 March, 1625, this was done by his son, Charles I. These orders continued under their respective names until the unions of Scotland and Ireland with England when the titles thereafter created assumed the name indicating such union. These names thus show the time of the creation of the baronetcy.

1. Baronets of England—22 May, 1611, to 30 April, 1707.
2. Baronets of Ireland—30 September, 1619, to 31 December, 1800.
3. Baronets of Scotland, or Nova Scotia—28 May, 1625, to 30 April, 1707.
4. Baronets of Great Britain (thus uniting 1 and 3)—30 April, 1707, to 31 December, 1800.
5. Baronets of the United Kingdom of Great Britain and Ireland (thus uniting 2 and 4)—on and after 1 January, 1801.

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